



WEB COPY

WP No. 29249 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2026

CORAM

THE HONOURABLE MS. JUSTICE P.T. ASHA

**WP No. 29249 of 2022 and
WMP Nos.28545 and 28546 of 2022**

M/s.Akhil Infrastructure Private Ltd.,
Rep. by its Authorized Representative,
Mr.K.S.Gajendra Babu,
Sri Sai Subhodaya Apartments,
No.57/2B, East Coast Road,
Thiruvanniyur, Chennai - 600 041.

Petitioner

Vs

1. Union of India
Rep. by its Secretary to Government,
Port Department, Government of Puducherry,
Puducherry.

2.Union of India,
Rep. by its Secretary to Government,
Department of Revenue and Disaster Management,
Government of Puducherry,
Puducherry.

3.The District Collector,
Karaikal.

4.The Deputy Collector (Revenue),
Karaikal.

5.The Ministry of Environment and Forests,
Government Of India,
Paryavaran Bhavan,
CGO Complex, Lodhi Road,
New Delhi.110 003.



6.The Director of National Institute of Ocean Technology,
W6 W6 + 5PX, MA PO SI Nagar,
Pallikaranai, Chennai.600 100.
(R5 and R6 are Suo Motu impleaded as per order dated 23.08.2024 and 24.10.2024 respectively)

Respondents

PRAYER Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorarified Mandamus, calling for records on the file of Respondents relating to the order dated 08.09.2022 of the 4th Respondent bearing reference No.8351/DCR/KKL/B4/SM/2022-23/571 and quash the same and consequently direct the Respondent to grant the permission to the petitioner for shifting the available soil in the Petitioner's lands at Keezhaiyur (South) Village for private and government works.

For Petitioner: Mr.T.Saikrishnan

For Respondents: Mr.R.Sridhar,
Additional Government Pleader
(Puducherry) for R1 to R4
Mr.R.Rajesh Vivekanandan,
Deputy Solicitor General of India
for R5

ORDER

This Writ Petition has been filed to quash the order dated 08.09.2022 passed by the 4th Respondent bearing reference No.8351/DCR/KKL/B4/SM/2022-23/571 and for a consequential direction to the Respondents to grant permission to the petitioner for shifting available soil in the Petitioner's lands at Keezhaiyur (South) Village for private and government works.



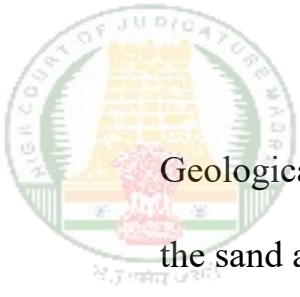
2. It is the case of the petitioner that the Government of Puducherry has decided to develop the Port at Karaikal and has entered into an agreement with M/s.Marg Limited (formerly known as M/s.Marg Constructions Limited) for the above purpose. M/s.Marg Limited through M/s.Karaikal Port Private Limited, had developed the Karaikal Port after obtaining necessary approvals from the concerned Authority. The Sub-Contractors of M/s.Marg Ltd., who were conducting excavation in the land area of Karaikal Port site required a place for dumping the said excavated materials and since the petitioner was approached with a request for permitting the storage of such excavated sand in the land owned by him situated at Keezhaiyur South Vilage, the petitioner consented for the same. Accordingly, the sub-contractors of M/s.Marg Limited transported the excavated sand at their cost till the entrance of the petitioner's land and thereafter the petitioner at its own cost transported the said sand into its land. Out of the total excavated sand and soil of about 1.98 million Cu.Mtr, around 1.4 to 1.5 million Cu.Mtr. has been used for reclamation of Karaikal Port area and remaining quantity of about 5.5. lakh Cu.Mtr was moved to the private land held by the petitioner.

3. During the years 2010 and 2011, the Government of Puducherry has called the M/s.Karaikal Port Pvt. Ltd. to supply dredged / excavated sand for the Government projects and pursuant to which, necessary permits were also issued. While this being so, the petitioner addressed a request letter on 09.09.2021 to



the 4th respondent requesting permission for shifting available soil lying in the petitioner's land for use in Karaikal region for both Government works as well as private works with an undertaking to pay royalty. The said request was not considered and therefore, the petitioner filed W.P.No.14122 of 2022 for a mandamus to consider and pass orders on the petitioner's application dated 09.09.2021. This Court by an order dated 03.06.2022, had allowed the writ petition and directed the 4th respondent to consider the said representation and pass orders on merits after following due process of law. Thereafter, the 4th respondent has passed the impugned order dated 08.09.2022, refusing the request for permission for shifting available soil in the petitioner's land for the private and Government works in Karaikal Region on the ground that "end use of the dredged sand has been restricted" vide order of the Coastal Regulation Zone Clearance dated 15.10.2008, 22.09.2009 and 14.11.2013. The impugned order however states that the Government of Puducherry requested the Ministry of Environment, Forests & Climate Change, New Delhi for clearance on usage of the dredged sand for Government Projects vide letter dated 05.07.2022. On receipt of clearance from the Ministry of Environment and Forests, Government of India, steps will be taken to dispose the sand with the approval of the competent authority.

4. Since the case of the petitioner is that the sand in question is excavated one and this Court by an order dated 09.09.2025, directed the Director of



Geological Survey of India to depute to concerned experts to find out whether the sand available in the petitioner's land was dredged from the sea or excavated from the seashore, and file a report before this Court.

5. Pursuant to the same, a Report has been submitted today. The 6th respondent has in their report / summary opined that the sediment characterizations implies that the sediment in the petitioner's land might have been dumped after excavation from any of the area within and around the Karaikal Port and not probably with Dredged sediment from the nearshore / offshore domain.

6. In the light of the above report it is clear that the soil in question is an excavated sand from the seashore and not a dredged sand from the sea. Therefore, the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

27-01-2026

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No



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P.T.ASHA J.

vum

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To

1. The Secretary to Government,
Union of India
Port Department,
Government of Puducherry,
Puducherry.

2. Secretary to Government,
Union of India,
Department of Revenue and Disaster
Management,
Government of Puducherry.

3. The district Collector,
Karaikal.

4. The Deputy Collector(Revenue),
Karaikal.

5. The Ministry Of Environment And
Forests, Government Of India,
Paryavaran Bhavan, Cgo Complex,
Lodhi Road, New Delhi.110003

6. The Director Of National Institute Of
Ocean Technology, W6 W6 5px, Ma
Po Si Nagar, Pallikaranai,
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