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Court : Chennai Madurai

Decided On : Jul-26-2016

Judge : M. Venugopal

Appeal No. : Writ Petition (MD). No. 10456 of 2016

Appellant : Mani

Respondent : The District Collector, Karur District and Another

Judgement :

(Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 2nd respondent to take appropriate and necessary actions against the stock yard permit holder for halting the lorries in petitioner's land in unauthorized manner based on his representation to the 1st respondent dated 23.03.2015 within the time stipulated by this Honourable Court.)

1. Heard the Learned Government Advocate for the first and second respondents.

2. According to the petitioner, S.F.No.201 stands in the name of his father and after his demise, he is cultivating the lands and in fact, the Public Works Department is running a sand quarry near his lands and thereafter, stockyard is also there. As a matter of fact, the lorries were halted in queue in his land and one after another, the sand is loaded on the lorries and after loading, they moved towards the destination.

3. The Stand of the petitioner is that in order to run a stock yard, it is mandatory, as per the Tamil Nadu Prevention of Illegal Mining Transportation and Storage of Minerals and Minerals Dealers Rules, 2011, to secure a permit from the Geological and Mining Department. In fact, the stockyard is operating near his lands, in which the lorries are halted in his land without his permission. Furthermore, his lands were cultivable lands and due to the activities of the stockyard holders, his lands were unable to cultivate, according to his whim.

4. The grievance of the petitioner is that he made a representation before the Chief Minister Public Grievances Cell on 08.09.2015 through fax and thereafter, no action has been taken. Later, he filed a complaint before the Vangal Police Station and negotiation was carried out under the advice of the police with the stockyard holders and advise was given to them to vacate the premise. But they are very adamant to vacate the premise.

5. When the petitioner, on 19.12.2015, made an application under the Right to Information Act, seeking information relating to the registration, permit of the stockyard holders on 02.02.2016, the Assistant Director of Geological and Mining Department had caused reply stating that no such permit was issued. Therefore, it is clear that the stockyard is running without any valid permit. Indeed, on 23.03.2015, the petitioner made a representation before the first respondent/District Collector, Karur District on Public Grievance Day, for taking necessary action against the illegal stockyard holders and the lorries halted in his land, for which, the first respondent issued a receipt of acknowledgment and simultaneously, forwarded his complaint to the 2nd respondent for taking necessary action within 15 days. However, the second respondent/District Revenue Officer, Karur, had miserably failed in this regard. Hence, the petitioner had preferred the present writ petition seeking an order of this Court in directing the District Revenue Officer, Karur District to take appropriate/necessary action against the stock yard permit holder for halting the lorries in petitioner's land in unauthorized manner based on the representation, addressed to the 1st respondent dated 23.03.2015, within the time, as determined by this Court.

6. Per contra, it is the contention of the Learned Government Advocate for the respondents 1 and 2 that the allegation that the sand stockyard has been running without valid licence is strictly denied as a false one and at present, no sand quarry and sand stockyard is situated in Manmangalam Village of Manmangalam Taluk and as a matter of fact, the nearest stockyard which is situated 2 kms away from Manmangalam Village belongs to one Thiru.P.Karuppiah situated in S.F.No.216/1 to an extent of 1.51.0 hectares of Nanniyur Village and the renewal of licence was issued vide Rc.No.1166/Mines/2015-2, dated 23.11.2015 for a period of one year valid upto 24.11.2016.

7. That apart, it is projected on the side of the respondents that the Tahsildar, Manmangalam conducted a field enquiry and forwarded a report vide letter in R.C.No.A4/002461/2016, dated 22.06.2016, in which, it was mentioned that S.F.No.201/1 (0.05.0 hectares) and 201/3 (2.46.3 hectares) of Manmangalam Village stands registered in the name of Srikaliamman Koil Manager Thavasi Pandaram, S/o.Pukkarandi Pandaram and 6 others vide patta No.2004. Further S.F.No.480/1B (5.36.5 hectares) and 480/2 (0.03.0 hectares) of Manmangalam Village stands registered in the name of Kaliamman Ayyanar Mariamman Koil Manager, Thavasi Pandaram, S/O.Pukkarandi Pandaram and 6 others vide patta No.2010.

8. The clear cut plea of the respondents is that S.F.No.201 does not belong to petitioner's father, as per village records. But the petitioner in his affidavit had sworn to the effect that he is the owner of the said lands and in fact, the aforesaid lands are dry and no agricultural activities are noticed in S.F.No.201. Besides this, no sand quarry and no sand stockyard is situated near the aforesaid land and no lorries were parked in the aforesaid land.

9. Added further, apart from the sand stockyard and sand lorry parking places are situated 2 kms away from Sy.No.201 and in this regard, at present no sand quarry and sand stockyard is situated in Manmangalam Village of Manmangalam Taluk. In reality, the nearest stockyard, which is situated 2 kms away from Manmangalam Village belongs to one Thiru.P.Karuppiah, situated in S.F.No.216/1, measuring an extent of 1.51.0 hectares of Nanniyur Village and the renewal of licence was

issued in Rc.No.1166/Mines/2015-2, dated 23.11.2015 for a period of one year valid upto 24.11.2016. Further, the nearest sand quarry to the petitioner's village is located at a distance of more than 5 kms for which, the Public Works Department had granted lease to quarry sand in S.F.No.246/1A (part) to an extent of 24.00.0 hectares in Nanjaikadambankurichi of Manmangalam Taluk, Karur District, by getting prior Environment Clearance vide SEIAA-TN/F.No.4026/EC/1(a)/2290/2015, dated 27.10.2015 for a period of two years, as per first respondent/District Collector's proceedings in Rc.No.350/Mines/2015, dated 09.12.2015.

10. The version projected on the side of the respondents is that the Tahsildar, Manmangalam vide proceedings in R.C.No.A4/7254/2015, dated 14.12.2015 had informed that since the house site does not belong to the petitioner, as per village records, compensation does not arise in this case etc., In short, the primordial stand of the respondents is that the land in S.F.No.201/1, 3, purported to be in the name of petitioner's father does not belong to them, as per the report of the Tahsildar, Manmangalam. As such, the writ petition filed by the petitioner deserves no consideration in the hands of this Court.

11. Apart from the above, it is the submission of the Learned Government Advocate for the respondents 1 and 2 that the petition of the petitioner, dated 23.03.2015 (submitted on Grievance Day) was forwarded to the Revenue Divisional Officer, Karur and the Revenue Divisional Officer, Karur had forwarded the petition to the Tahsildar, Manmangalam and hence, action was initiated in time and reply was furnished to the petitioner.

12. In view of the fact that the petitioner's representation dated 23.03.2015 was attended to and in fact, a reply was furnished to the petitioner by the Tahsildar, Manmangalam, then, this Court is of the considered view that nothing survives for adjudication in the present writ petition. Accordingly, the writ petition sans merits.

13. In fine, the writ petition is dismissed. No costs.

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