



W.P.No.37837 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

and

THE HONOURABLE MR. JUSTICE G.ARUL MURUGAN

W.P.No.37837 of 2025

Sasikumar

...Petitioner

Vs.

1. The District Collector,
Kancheepuram District.
2. The District Revenue Officer,
Kancheepuram District.
3. The Chief Engineer,
Water Resource Department,
Keelpalaru Vadinila Kottam,
Kancheepuram.
4. The Revenue Divisional Officer,



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Kancheepuram District.

5. The Tahsildar,
Walajapet Taluk,
Kancheepuram District.
6. The Village Administrative Officer,
Ullaur, Kancheepuram District.
7. R.Senthilkumar
Railway Contractor,
2nd Cross Street, K.K.Nagar,
Ariyalur District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondents 1 to 5 to prevent 7th respondent from excavating/perform sand mining more than the sanctioned limit in Survey No.775/4, Sittheri, Periya Eari, Ullavur Village, Walajapet Taluk, Kancheepuram District, pursuant to the order issued in Na.Ka.No.174/Q3/2024 dated 02.09.2025, who is selling the sand for commercial purpose.

For Petitioner : Mr.M.Rajasekaran

For Respondents : Mr.K.Tippu Sultan,
Govt. Advocate for RR1 to 6

ORDER



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(Order of the Court was made by P.VELMURUGAN, J.)

This Writ Petition has been filed in the nature of Public Interest

Litigation relating to Mines and Minerals.

2 According to learned counsel for the petitioner, 7th respondent herein has obtained an order for excavating the soil for railway works in Na.Ka.No.174/Q3/2024 dated 02.09.2025 in Survey No.775/4, Sitheri, Periya Eari, Ullavur Village, Walajapet Taluk, Kancheepuram District. Out of total extent of 39.18.00 Hectare, 7th respondent was permitted to excavate the soil in 0.63.50 Hectare 5175 Cubic meter. Now the grievance of the petitioner is that 7th respondent is excavating the soil beyond the sanctioned limit and has been commercially selling the same, which is illegal. Hence to prevent the same, the petitioner has approached this Court by way of this Writ Petition in the nature of PIL.

3 Mr.K.Tippu Sultan, learned Government Advocate takes notice on behalf of the respondents 1 to 6 and has admitted that the



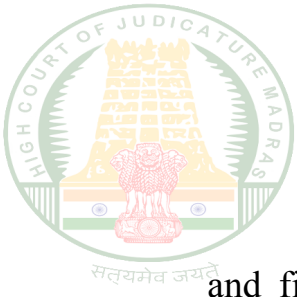
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quarrying operation is being carried out beyond the permissible depth and he has produced communication of the Assistant Director Geology and Mining, Kancheepuram. dated 02.10.2025.

4 Therefore, in the interest of justice, we are of the considered opinion that an Advocate Commissioner may be appointed in order to ascertain as to whether 7th respondent has violated the conditions by excavating the soil beyond the sanctioned area and also to assess the factual position and the quantity of earth removed from the subject area.

5 Accordingly Mr.P.V.Balasubramaniam (9841041888), Senior Advocate, IV Law Chambers, High Court Buildings, Chennai, is hereby appointed as an Advocate Commissioner. The learned Advocate Commissioner is directed to inspect the subject property in the presence of the petitioner, the respondents 1, 2 and 7, **on 04.10.2025 (Saturday) @ 10.30 a.m.** and ascertain whether the petitioner has excavated the soil in beyond the permitted area and the actual quantity of the earth removed from the subject property with the assistance of qualified Surveyor and Engineer



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and file a detailed report within a period of one week from the date of inspection i.e. 04.10.2025.

6 The first respondent is directed to communicate this order to the seventh respondent, the District Surveyor and to the qualified Engineer from PWD immediately through the sixth respondent and ensure their presence at the spot during the inspection and give suitable instructions to co-operate with the Advocate Commissioner during inspection of the subject property.

7 Notice to third respondent returnable in a week. Private notice is also permitted. AoS by then. In the meantime, learned Government Advocate is directed to file counter on behalf of the respondents 1 to 6.

8 The remuneration to the Advocate Commissioner is fixed to Rs.1,00,000/- (One Lakh) and the first respondent is directed to pay the remuneration at the first instance and in case, the report of the Advocate Commissioner proves violation of any conditions by the seventh respondent,



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the remuneration shall be recovered from the seventh respondent and the official respondents are directed to take necessary action against the seventh respondent for the violations committed by him.

[PVJ] [GAMJ]
03.10.2025

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Speaking /Non-speaking order

Note: Issue order copy on 03.10.2025

To

1. The District Collector, Kancheepuram District.
2. The District Revenue Officer, Kancheepuram District.
3. The Chief Engineer, Water Resource Department,
Keelpalaru Vadinila Kottam, Kancheepuram.
4. The Revenue Divisional Officer, Kancheepuram District.
5. The Tahsildar, Walajapet Taluk, Kancheepuram District.
6. The Village Administrative Officer, Ullar, Kancheepuram District.
7. The Public Prosecutor, Madras High Court.



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**P.VELMURUGAN, J.
and
G.ARUL MURUGAN, J.**

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