



W.P.(MD).No.16646 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **12.07.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P.(MD).No.16646 of 2023

A.Balasubramanian

... Petitioner

Vs.

1.The District Collector
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Sivagangai.

3.The Deputy Director,
Geology and Mining Department,
Sivagangai.

4.The Assistant Director,
Geology and Mining Department,
Sivagangai.

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 3 and 4 to issue the transportation slip to the petitioner as per Rule 44(8) of the Tamil Nadu Minor Mineral Concession Rules, 1959 and the compliance



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of the short term permission granted by the first respondent in his proceedings dated 13.02.2023.

For Petitioner : Mr.Porkodi Karnan

For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the respondents 3 and 4 to issue transportation slip to the petitioner as per Rule 44(8) of the Tamil Nadu Minor Mineral Concession Rules, 1959 and the permission granted by the first respondent vide proceedings dated 13.02.2023.

2. The petitioner is running a Brick Manufacturing Unit and he had an agreement with the pattadhar for excavation of the soil for the purpose of his business. However, there was a dispute between the pattadhar and the petitioner and the pattadhar has filed a writ petition before this Court and obtained an order of interim stay. By referring to the same, the respondents have refused to permit the petitioner to take soil from the patta land.



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3. Now, according to the learned counsel appearing for the petitioner, the issue between the petitioner and the pattadhar has been amicably solved and the writ petition was also withdrawn. However, when the writ petitioner has approached the respondents for taking soil, the respondents, by referring to the earlier proceedings, have not permitted the petitioner. Hence, the present writ petition has been filed.

4. The learned Additional Government Pleader appearing for the respondents has also produced the written instructions which have been received from the Deputy Director, Geology and Mining Department, Sivagangai that the petitioner has not paid seigniorage fee nor submitted the application for obtaining transport permit and if an application is filed along with seigniorage fee, it would be considered positively.

5. This Court considered the rival submissions made by the learned counsel appearing for the parties.

6. The petitioner was granted with mining permission by the first respondent vide proceedings dated 13.02.2023. The license was granted



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to the petitioner only for a period of 75 days. However, the respondents have not issued transport permit in view of pendency of the writ petition in W.P(MD).No.3495 of 2023 filed by the pattadhar. It appears that the said writ petition was also withdrawn on 13.06.2023.

7. In view of the further development, this Writ Petition is allowed with a direction to the petitioner to submit an application as per Rule 44(8) of the Tamil Nadu Minor Mineral Concession Rules, 1959 within two days from the date of receipt of a copy of this order and on such application and payment of seigniorage fee, the respondents shall issue the transport permit to the petitioner forthwith. There shall be no order as to costs.

12.07.2023

Index: Yes/No
Internet: Yes/No
ssb

Note: Issue Order Copy on **13.07.2023**



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To

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B.PUGALENDHI, J.

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