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In the High Court of Judicature at Madras

Dated: 03.09.2015

Coram:

The Honourable Mr. SANJAY KISHAN KAUL, Chief Justice
and

The Honourable Mr. Justice T.S. SIVAGNANAM

Writ Appeal No. 55 of 2015

P.A. Janarthanan

.. Appellant

vs.

1. The District Collector
Tiruvallur.

2. The Assistant Director of Mines
O/o. The District Collector
Tiruvallur.

3. The Executive Engineer
PWD, Kusasthalaiyur Division
Tiruvallur.

.. Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 03.12.2014 passed by the learned Single Judge, in Writ Petition No.1469 of 2014 on the file of this Court.

Prayer in WP.No.1469/2014:- for issuance of a Writ of Certiorarified Mandamus thereby quashing the order passed by the 1st Respondent in Mu.Mu.No.1005/2012/Mines-2 dated 31.10.2013 and thereby directing the 1st Respondent to issue transport permit/license for the unutilised lease period of 48 days for the remaining lorry loads out of 5000 lorry loads.

For Appellant	:	Mr. S.V. Vijay Prashanth
For Respondents	:	Mr. A.L. Somayaji
		Advocate General
		assisted by Mr.S.T.S.Murthi
		Govt. Pleader and
		Mr. V.R. Kamalanathan
		Addl. Govt. Pleader.



J U D G M E N T

(Delivered by The Hon'ble The Chief Justice)

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Learned Advocate General has produced before us the proposed amendment to Rule 12 of the Tamil Nadu Minor Mineral Concession Rules, 1959. We have heard the learned Advocate General and perused the same and we are satisfied that the first two concerns expressed in our order dated 11.08.2015 are addressed, which were in fact the larger issues.

2. Learned Advocate General, on instructions, states that it will not take more than three weeks to notify the aforesaid amendment to the rules.

3. Now coming to the case of the appellant, the respondents have been reasonable and now states before us that they will consider the case of the appellant and grant him extension for the portion which has not been mined. As to what extent the mining has taken place, the same may be verified from the records available with the respondents or from the measurements (counsel for the appellant states that measurements were already taken and available with the respondents). This process be completed within three weeks. If there is some doubt in the minds of the respondents-authorities, they can call the appellant for any clarification.

4. Thus, the impugned order of the learned Single Judge is set aside. The appeal accordingly stands allowed. No costs.

5. We appreciate the constructive stand now taken by the Officers concerned - Mr.C.V.Shankar, IAS, Additional Chief Secretary to Government, Industries Department and Mr.Atul Anand, IAS, Commissioner of Geology and Mining.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

ATR

To

1. The District Collector
Tiruvallur.

2. The Assistant Director of Mines
O/o. The District Collector.
Tiruvallur.



3. The Executive Engineer
PWD, Kusasthalaiyur Division
Tiruvallur.

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1 cc to Mr.S.V. Vijay Prashanth , Advocate Sr.No.47591
1 cc to Government Pleader.Sr.No.47591

W.A. No. 55 of 2015

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pmk.23.9.2015