

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2015
CORAM

The Hon'ble Mr.Justice R.Mahadevan

Writ Petition No.18521 of 2011
and
M.P.No.1 of 2011

V.Manivel

... Petitioner

Vs.

1. The District Collector,
Tirupur District, Tirupur.
2. The Director of Geology and Mining,
Thiru-Vi-Ka Industrial Estate,
Guindy, Chennai - 600 032.
3. The Deputy Director of Town and Country Planning,
Sannadhi Street, Subramania Nagar,
Sooramangalam, Salem.
4. The President,
Kolumanguzhi Panchayat,
Kundadam Panchayat Union,
Tirupur District.
5. Palanisamy
6. Konguraj

... Respondents

Prayer:-

Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to forbear the respondents 1 to 4 herein from granting any approval to the fifth and sixth respondents to construct any dwelling house within 300 meters radius in S.F.Nos.496, 497/1 and 200/1, in Kolumanguzhi Village, Dharapuram Taluk, Tirupur District.

For Petitioner	:	Mr.S.Saravanan
For Respondent-1	:	Mr.M.S.Ramesh
		Additional Government Pleader
For Respondent-2	:	Mr.T.N.Rajagopalan
For Respondents 5 & 6	:	Mr.C.Prakasam

O R D E R

The case of the petitioner, as seen from the affidavit filed in support of this Writ Petition, in short is that, the petitioner has decided to put up a quarrying business in the land purchased by him. For the said purpose, the petitioner also obtained all necessary permits/licence/certificates and he has been running the quarry operation. Now, the grievance of the petitioner is that, the fifth and sixth respondents have applied before the fourth respondent for grant of permission to construct a dwelling house, within 300 meters radius in S.F.Nos.496, 497/1 and 200/1, in Kolumanguzhi Village, Dharapuram Taluk, Tirupur District. Apprehending that the fourth respondent may grant approval to the fifth and sixth respondent to construct dwelling house, the petitioner has filed the present Writ Petition, to refrain the respondents 1 to 4 from doing so. The petitioner states that he has invested huge sum of money on installation of machineries and engaged large number of persons for carrying out the said business. Now, if any approval been granted to the fifth and sixth respondents to construct a dwelling house, that would cause irreparable loss to the petitioner. Even as per Rule 36 (1) of Tamil Nadu Minor Minerals Concession Rules, 1959, no new layout, building plan falling within 300 metres from any quarry should be given by any agency, without obtaining clearance of the Director of Geology and Mining. Setting out the aforesaid facts, the petitioner has also given a representation, dated 14.06.2011, to the fourth respondent. Since the same evoked no response, the petitioner is before this Court.

2. The learned counsel appearing for the petitioner has submitted that, though the petitioner has sought for the aforementioned relief, it would be suffice, if the parties, viz., the petitioner and the fifth and sixth respondents are directed to appear before the respondent concerned, who shall decide the matter on merits in the light of Rule 36 (1) of Tamil Nadu Minor Mineral Concession Rules, 1959, and shall pass appropriate orders on the applications submitted by the fifth and sixth respondents.

3. Heard the learned Additional Government Pleader for first respondent as well as the learned Special Government Pleader for the second respondent. The learned counsel appearing for fifth and sixth respondents has no serious objection in granting such a direction, now sought for by the learned counsel appearing for the petitioner.

4. In the light of the above, this Court, without expressing any opinion regarding the merits of the case, directs

the respondents 1 to 4 to consider the applications made by the fifth and sixth respondents in the light of the provisions contemplated under Rule 36 (1) of Tamil Nadu Minor Mineral Concession Rules, 1959 and shall pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order, after affording sufficient opportunity of hearing to the petitioner as well as the fifth and sixth respondents.

5. With the above observations, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Cs-IV)

/TRUE COPY/

Sub-Assistant Registrar

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To

1. The District Collector,
Tirupur District, Tirupur.
2. The Director of Geology and Mining,
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3. The Deputy Director of Town and Country Planning,
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Sooramangalam, Salem.
4. The President,
Kolumanguzhi Panchayat,
Kundadam Panchayat Union,
Tirupur District.

+1 CC to MR.C.Prakasam Advocate. SR.NO.65420

+1 CC to Govt.Pleader. SR.NO.65725

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CO-CA

JD 05/01/2016