

In the High Court of Judicature at Madras

Dated: 22.07.2015

Coram:

The Honourable Mr.Justice T.RAJA

Writ Petition No.21998 of 2015

D.Vijayan

...Petitioner

Versus

The Collector
Thiruvannamalai District
Thiruvannamalai.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to consider the application of the petitioner dated 26.11.2014 and grant permission for quarrying bricks earth as earlier as possible.

For Petitioner .. Mr.S.Makesh
For Respondent .. Mr.T.N.Rajagopalan
Special Government Pleader

ORDER

This Writ Petition has been filed by the petitioner under Article 226 of the Constitution of India seeking limited prayer directing the respondent to consider his application (Annexure-IV A, Form-I) dated 26.11.2014, wherein he has sought permission for quarrying bricks earth as early as possible.

2. The petitioner claims to have entered into an agreement with one Mrs.Vijaya, who is the owner of land in S.No.14/11B measuring an extent of 24.50 Ares situated at Perumballam Village, Cheyyar Taluk, Tiruvannamalai District, to take sand for brick earth. However, in order to take brick earth, he has to get permission from the authority concerned, viz., the District Collector, respondent herein. In view of the above, the petitioner has submitted an application, which is only a prescribed format, dated 26.11.2014 to the respondent seeking permission to quarry brick earth and the same is pending before the respondent for consideration. But till date the respondent had not acted on that, as a result the petitioner has come forward to this Court.

3. The learned Special Government Pleader appearing for the respondent sought six weeks time to consider and pass orders on the petitioner's application vide Form-I, Annexure IV-A.

4. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent.

5. As per Rule 19(2)(b), the District Collector may grant quarrying permission to the applicant. However, if there is any valid objection, the District Collector shall give the applicant an opportunity of hearing before rejecting the application.

6. Recording the submission of the learned Special Government Pleader appearing for the respondent, without going into the merits of the case, this Writ Petition is disposed of with the following directions:

The petitioner is directed to furnish a copy of the application/ Form-I, Annexure IV-A along with the order copy within a period of one week from the date of receipt of a copy of this order. Thereafter, the respondent is directed to consider the petitioner's application (Form-I, Annexure IV-A), on merits and in accordance with law, after affording reasonable opportunity of personal hearing to the petitioner if necessary, and pass appropriate orders within a period of six weeks thereafter. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mra

To

The Collector
Thiruvannamalai District
Thiruvannamalai.

+1cc to Mr.S. Magesh, Advocate, S.R.No.37294
+1cc to the Government Pleader, S.R.No.37427

LRS (CO)
EU(10/08/2015)

Writ Petition No.21998 of 2015