



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2015

CORAM:

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.12942 of 2015

and

M.P. (MD)Nos.1 and 2 of 2015

Rajakani

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District.

2.The Assistant Director,
Geology and Mining,
Thoothukudi District.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent in Na.Ka.GM.1/576/2014, dated 09.06.2015 and quash the same and consequently, direct the respondents to issue transit pass to transport the quarried mines from the petitioner's property situated in S.No.555/2A3A2 of Ottapidaram Village, Ottapidaram Taluk, Thoothukudi District on the basis of the representation of the petitioner dated 16.02.2015 within the time stipulated by this Court.

For Petitioner : Mr.R.Subramanian

For Respondents : Mr.J.Gunaseelan Muthiah, G.A.

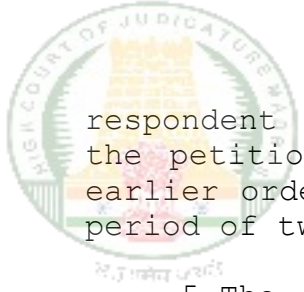
ORDER

The petitioner has filed the Writ petition, seeking order to issue a Writ of Certiorarified Mandamus, calling for the records, pertaining to the impugned order passed by the 2nd respondent in Na.Ka.GM.1/576/2014, dated 09.06.2015, quash the same and consequently, direct the respondents to issue transit pass to transport the quarried mines for the petitioner's property situate in S.No.555/2A3A2 at Ottapidaram Village, Ottapidaram Taluk, Thoothukudi District, on the basis of the representation of the petitioner dated 16.02.2015, within a time frame.

2.Mr.J.Gunaseelan Muthiah, learned Government Advocate takes notice for the respondents. By consent, the Writ petition itself is taken up for final disposal.

3.The petitioner drew the attention of this Court to the order dated 17.04.2015 in W.P.(MD)No.5944 of 2015, wherein, this Court has specifically directed the 2nd respondent therein to pass appropriate orders on the representation of the petitioner, dated 16.02.2015, after providing an opportunity of personal hearing to the petitioner.

4. A Reading of the impugned order clearly shows that opportunity of personal hearing to the petitioner has not been given. On that sole ground, the impugned order dated 09.06.2015 is set aside and the 2nd



respondent is directed to provide an opportunity of personal hearing to the petitioner and thereafter, pass appropriate orders in terms of the earlier order dated 17.04.2015 passed in W.P.(MD)No.5944 of 2015 within a period of two weeks from the date of receipt of a copy of this order.

5.The Writ petition is disposed of accordingly. No costs. Consequently, connected M.Ps.are closed.

6.Since the impugned order has been set aside, the petitioner is entitled to get the transit pass and he shall not be disturbed till final orders are being passed in accordance with law after hearing the petitioner. If the petitioner fails to avail the opportunity of personal hearing, the same shall be recorded and orders can be passed with the available documents.

Sd/-

The Assistant Registrar(Co)

/True copy/

Sub-Assistant Registrar

To

1.The District Collector,
Thoothukudi District.

2.The Assistant Director,
Geology and Mining,
Thoothukudi District.
Thoothukudi.

+1cc to Mr.R.Subramanian, Advocate SR.No.41243

+1cc to special Government Pleader SR.No.41979/15

nbj

sm:IV:05.08.2015:2P/5C

W.P. (MD) No.12942 of 2015
24.07.2015