



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.02.2015

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THE HONOURABLE MR. JUSTICE K. RAVICHANDRA BAABU

W.P.(MD) No.1474 of 2015

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A.B.S.Antow

... Petitioner

vs.

1.The Chairman

State level Environment Impact
Assessment Authority,
3rd floor, Panagal Maligai
No.1 Jeenis Road,
Saidapet, Chennai.

2.The District Collector

Kanyakumari District, Nagercoil.

3.The Assistant Director

Geology and Mining,
Kanyakumari District
Nagercoil

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus to direct the 1st respondent herein to issue clearance certificate to the petitioner for carrying quarry operation in 0.08.0 hectares land in SF No.8/2 (P) of Kappiyarai Village, Kalkulam Taluk, Kanyakumari District.

For Petitioner : Mr.E.V.N.Siva

For Respondents : Mr.R.Anandharaj
Government Advocate

ORDER

The petitioner seeks for a direction directing the first respondent to issue clearance certificate to the petitioner for carrying quarry operation in 0.08.0 hectares land in SF No.8/2 (P) of Kappiyarai Village, Kalkulam Taluk, Kanyakumari District.

2.The learned counsel for the petitioner submits that similar writ petitions filed before this Court in W.P.(MD) No.20926 of 2014 etc., batch were disposed of on 22.12.2014 directing the first respondent therein to pass appropriate orders within four weeks and further directing the 2nd respondent to issue transfer permit to the respective petitioners therein and that the said order has been complied with by the respondents therein. He also brought this Court's attention to the similar order passed in W.P.(MD) No.354 and 390 of 2015 dated 12.01.2015.

<https://hcservices.courts.gov.in/hcservices/> It is submitted that the Assistant Director of Geology and Mining, Kanyakumari District, who is the third respondent herein, has given approval for quarrying rough stone to the petitioner. The said order



dated 27.01.2015 is also enclosed in the typed set of papers. The similar order passed by this Court in W.P.(MD) No.20926 of 2014 dated 22.12.2014 is extracted hereunder:

"Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader takes notice for the respondents, who on instructions given by Assistant Director (Geology and Mining) submitted that the proposal given by the Assistant Director (Geology and Mining) has already been forwarded a proposal to the first respondent and on the basis of the proposal, he seeks four weeks time for passing orders by the first respondent.

2.Recording the said submission, these writ petitions are disposed of by directing the first respondent to pass appropriate orders on the basis of the recommendation of the third respondent, within four weeks from the date of receipt of a copy of this order. The second respondent is hereby directed to issue transport permit to the petitioner. No costs. Consequently, connected Miscellaneous Petitions are closed."

4. Considering the fact that the final order has been passed in the above writ petitions and that the same has been complied with by the official respondents, the writ petition is disposed of with a direction to the first respondent to pass appropriate orders on the application filed by the respective petitioners seeking for clearance certificate based on the approval order passed by the Assistant Director (Geology and Mining) in respect of petitioner. The first respondent shall pass such an order within a period of four weeks from the date of receipt of a copy of this order. The 2nd respondent is directed to issue transport permit to the petitioner in the light of the approval already granted by the Assistant Director (Geology and Mining) in respect of the petitioner. No costs.

Sd/-
Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Chairman

State level Environment Impact Assessment Authority,
3rd floor, Panagal Maligai, No.1 Jeenis Road,
Saidapet, Chennai.

2.The District Collector, Kanyakumari District, Nagercoil.

3.The Assistant Director

Geology and Mining, Kanyakumari District, Nagercoil
+1cc to Mr.E.V.N.Siva, Advocate, SR.No.6267
+1cc to Special Govt.Pleader SR.No.6767

W.P.(MD) No.1474 of 2015
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