



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2015

Coram

THE HONOURABLE MR. JUSTICE T. RAJA

W.P. (MD) No. 16608 of 2015

K. Rajesh

: Petitioner

vs.

1. The District Collector,
Madurai Collectorate,
Madurai - 625 020.

2. The Assistant Director of Mines & Minerals,
Madurai Collectorate Campus,
Madurai - 625 020.

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus, directing the respondents to issue 'Transport Permit' and 'Despatch Slips', as required by disposing the application of the petitioner, dated 17.08.2015 submitted to the 2nd respondent, within a time frame as fixed by this Court.

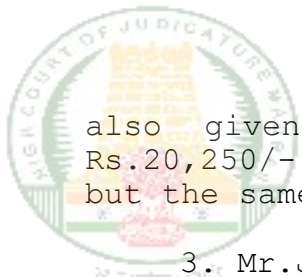
For Petitioner : Mr. S. Chandrasekaran

For Respondents : Mr. J. Gunaseelan Muthiah
Govt. Advocate

O R D E R

This Writ Petition has been filed by Mr. K. Rajesh, S/o. P. Kaliappan seeking a Mandamus, directing the respondents to issue 'Transport Permit' and 'Despatch Slips', as required by disposing the application of the petitioner, dated 17.08.2015 submitted to the 2nd respondent.

2. The petitioner was granted permit to quarry rough stones in Roc. No. 338/2012/Mines, dated 10.06.2014 by the first respondent, the District Collector, Madurai. While he was doing the quarrying operation, he was also issued with transport permit along with despatch slip. But his grievance is one V. Palaniyandi, owner of the next land, raised an objection against the petitioner to continue to quarry the rough stones in the petitioner's place and a copy was also given to the first respondent. Subsequently, in view of the objection raised by the said V. Palaniyandi and his family members, the petitioner has filed a Suit in O.S. No. 656 of 2015, on the file of the 1st Subordinate Court, Madurai, in which, an interim injunction was also granted against the said V. Palaniyandi and others, not to interfere with the quarrying operation till 28.09.2015. Therefore, the request of the petitioner is that when the petitioner has also filed a Suit and obtained an interim injunction against the said V. Palaniyandi and his family members, the 2nd respondent cannot refuse to issue the transport permit. In this regard, he has



also given a representation on 17.08.2015 along with payment of Rs.20,250/- and TDS Tax of Rs.420/- in the Government Treasury account, but the same has not been considered.

3. Mr.J.Gunaseelan Muthiah, learned Government Advocate appearing for the respondents would submit that although the petitioner was granted lease for a period five years from 2014 to 2019, due to objections raised by one Palaniyandi, the 2nd respondent has refused to issue the transport permit. He would further submit that whenever the Collector holds any meeting, the said Palaniyandi bringing some agriculturists causing hindrance and embracement to the movement of the first respondent. Therefore, the transport permit has been refused.

4. But this Court is not able to see any justification. The reasons is, when the petitioner was already granted lease for a period of five years from 2014-2019 and he has also moved the civil Suit in O.S.No. 656 of 2015, seeking a bare injunction against the said Palaniyandi and his family members, on the file of Subordinate Court, Madurai and got interim injunction and even after grant of interim injunction against the said V.Palaniyandi, the respondents have not considered the request of the petitioner. Therefore, the 1st respondent is directed to consider the representation of the petitioner, dated 17.08.2015 and pass appropriate orders on the same on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(Co)

/True Copy/

Sub Assistant Registrar.

To

1.The District Collector,
Madurai Collectorate,
Madurai - 625 020.

2.The Assistant Director of Mines & Minerals,
Madurai Collectorate Campus,
Madurai - 625 020.

+1CC to M/S.S.Chandrasekaran,Advocate, SR.No.53911

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AM/23.09.2015/SK.SKN/SAR-II/2P/4C