

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2016

CORAM

THE HONOURABLE MR.JUSTICE M.DURAIWAMY

W.P.No.10268 of 2016

M/s. Sunshine Infra Engineers India Pvt.,Ltd.,
Rep. by its General manager
Mr.N.Krishnamohan Reddy,
No.61/40, Pantheon Road,
1st floor, Thiru Sennari Manor,
Egmore, Chennai - 600 008. ... Petitioner

-Versus-

The District Collector,
Kancheepuram District,
Kancheepuram ... Respondent

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondent to grant permission to remove and transport the quarried gravel earth on payment of seigniorage from the lands measuring 2.65.0 hectares out of the total extent of 274.36.5 hectares of Kallankutthu Poramboke, comprised in Survey No.99/1, situated in No.18, Keerappakkam Village, Chenglepet Taluk, Kanchipuram District, by considering the petitioner's application dated 19.01.2016.

For Petitioner : Mr. K.Ramakrishna Reddy

For Respondent : Mr.T.N.Rajagopalan,
Special Government Pleader

ORDER

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus directing the respondent to grant permission to remove and transport the quarry gravel earth on payment of seigniorage for the land measuring 2.65.0 hectares out of the total extent of 274.36.5 hectares of Kallankutthu poramboke, comprised in Survey No.99/1, situated in No.18, Keerappakkam Village, Chenglepet Taluk, Kanchipuram District, by considering the petitioner's application dated 19.01.2016.

2. It is the case of the petitioner that inspite of the representation dated 19.01.2016, the respondent has not passed any orders on the same.

3. Further the learned counsel appearing for the petitioner submitted that since the dead line for removal of

the quarry gravel earth falls on 07.04.2016, the respondent may be directed to pass orders at the earliest.

4. Mr. T.N.Rajagopalan, the learned Special Government Pleader appearing for the respondent submitted that the respondent had sent a letter dated 21.03.2016 stating that since the Model Code of Conduct is in force, the respondent had requested the Special Government Pleader to get a long adjournment for filing counter affidavit.

5. Since the Model Code of Conduct shall not stand in the way of the respondent for filing counter, the reason given by the respondent cannot be accepted. Further, the relief sought for in the Writ Petition is only to issue a direction to the respondent to pass orders on the petitioner's representation dated 19.01.2016.

6. Under these circumstances, taking into consideration that the last date for removal of the quarry gravel earth falls on 07.04.2016, I direct the respondent to consider the petitioner's representation dated 19.01.2016 and dispose of the same on merits and in accordance with law, after giving an opportunity of personal hearing to the petitioner.

7. The learned counsel appearing for the petitioner submitted that the petitioner would appear before the respondent on 28.03.2016.

8. The respondent is directed to pass orders after considering the submissions made by the learned counsel for the petitioner in accordance with law.

9. With these observations, the Writ Petition is disposed of. No costs.
mrp

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

The District Collector,
Kancheepuram District, Kancheepuram.

+ 1 CC TO THE GOVT.PLEADER, SR 18089

+ 1 CC TO Mr. K.Ramakrishna Reddy, ADVOCATE SR 17919

KR/22/3/16

W.P.No.10268 of 2016