

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2016

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.10733 of 2016

and

W.M.P.No.9372 of 2016

R.Karunamurthy [Petitioner]

Vs.

1. The District Collector,
Cuddalore District, Cuddalore.

2. The Assistant Director,
Geology and Mining, Guindy,
Chennai 600 032.

[Respondents]

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from interfering with the petitioners quarrying gravel in S.No.230/2B to an extent of 2.43.0 Hectares in Sri Adivaraganallur Village Kattumannarkovil Taluk Cuddalore District till the expiry of Lease period i.e. upto 24.1.2019 except as per law.

For Petitioner : Mr.K.R.Krishnan

For Respondents : Mr.A.Rajaperumal,
Govt.Advocate

O R D E R

The petitioner has filed the above writ petition to issue a writ of mandamus forbearing the respondents from interfering with the petitioner's quarrying gravel in S.No.230/2B to an extent of 2.43.0 Hectares in Sri Adivaraganallur Village, Kattumannarkovil Taluk , Cuddalore District, till the expiry of Lease period i.e. upto 24.1.2019 except as per law.

2. When the matter is taken up for hearing, Mr.A.Rajaperumal, learned Government Advocate filed a counter of the 1st respondent/The District Collector, wherein, in paragraph Nos.7 and 8, the 1st respondent, has stated as follows:-

" 7. It is submitted regarding paragraph 6 and 7 of the affidavit that the Gravel quarry was granted only in Survey No.230/2B which is a patta land which has also been confirmed by the Revenue Divisional Officer, Chidambaram report dated 01.04.2016. It is once again submitted before the Honourable High Court that the permit was kept in abeyance only for Revenue Divisional Officer report and now that Revenue Divisional Officer's report has been obtained and now it is clear that there is no dispute regarding the land in issue and the leased land belongs to Pattadhar Tmt.Surya, W/o Natarajan. Hence, permit to quarry and transport gravel in the above survey number 230/2B(Part) would be granted to the lease holder.

8. It is submitted that, the petitioner has approached this Honourable High Court before the objection petition received from Thiru.Lakshmanan could be considered and disposed off by the second respondent. It is submitted that, as the objection petition has been detailly examined on merits, there is no hindrance to grant quarry and transport permit to the lease holder".

3. From the above averments, it is crystal clear that as per the Revenue Divisional Officer's report, there is no dispute regarding the land in issue and the leased land belongs to Pattadhar Tmt.Surya, W/o Natarajan. Further, the 1st respondent has clearly stated that permit to quarry and transport gravel in the above survey number would be granted to the lease holder.

4. In view of the averments stated in paragraph Nos.7 and 8 of the counter affidavit, recording the same, the writ petition stands closed. No costs. Connected miscellaneous petition is also closed.

rg

Sd/-
Asst.Registrar

/true copy/

To

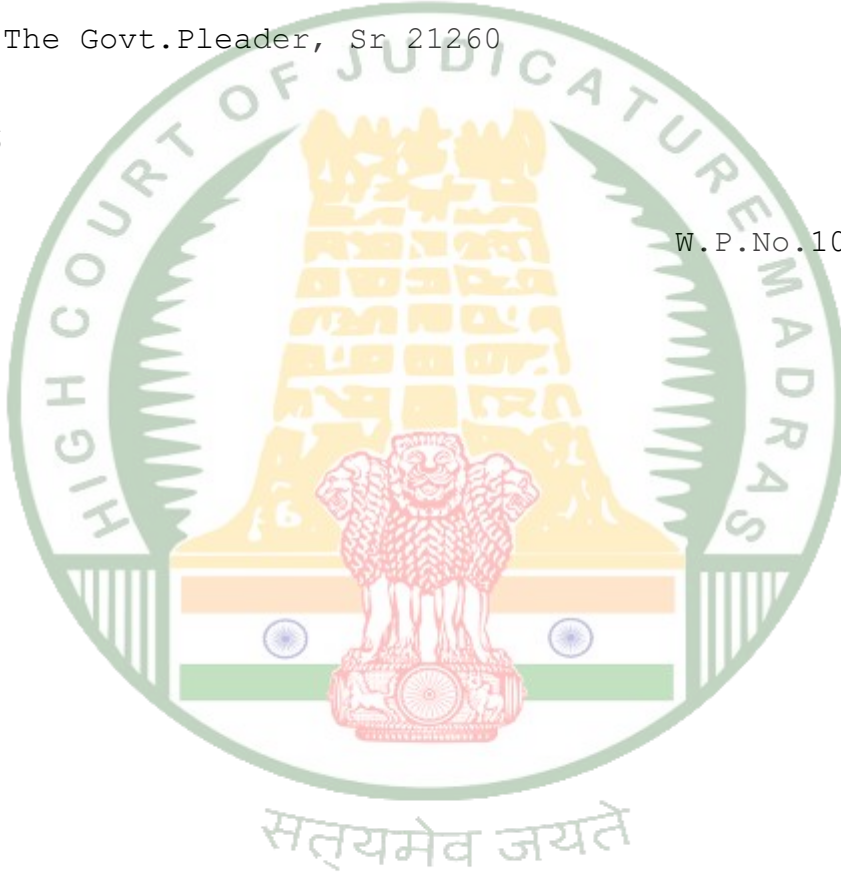
1. The District Collector,
Cuddalore District, Cuddalore.
2. The Assistant Director,
Geology and Mining, Guindy,
Chennai 600 032.

+ 1 cc to Mr.K.R.Krishnan, Advocate Sr 21028

+ 1 cc to The Govt.Pleader, Sr 21260

KR/11/4/16

W.P.No.10733 of 2016



WEB COPY