

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:20.06.2016

C O R A M

THE HON'BLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.20797 of 2016
and
W.M.P.No.17829 of 2016

M.Ramesh

... Petitioner

Vs

1.The District Collector,
Tiruvallore District,
Tiruvallore.

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

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to issue necessary proceedings in favour of the petitioner to quarry 2630 lorry loads of savudu in Panchayat Union tank comprised in S.No.27 of Seeyanchari Village, Uthukottai Taluk, Tiruvallur District for the period of 30 days pursuant to the petitioner's application dated 11.10.2010 within the prescribed time limit.

For petitioner ... Mr.M.Muthappan

For respondents ... Mr.S.Diwakar
Special Government Pleader

ORDER

Heard Mr.M.Muthappan, learned counsel for the petitioner and Mr.S.Diwakar, learned Special Government Pleader accepting notice on behalf of the respondents. By consent, the writ petition is taken up for final disposal.

2.The petitioner seeks for a direction upon the 1st respondent to issue proceedings in his favour to enable him to quarry Savudu from the Panchayat Union Tank comprised for a period of 30 days.

3.As rightly pointed out by the learned Special Government Pleader, the Tamil Nadu Minor Mineral Concession Rules and the procedure stipulated have been amended for considering such application.

4.It is submitted by the learned counsel on either side that identical issue was considered in a batch of cases in W.P.Nos.28019 of 2015 etc. batch dated 20.04.2016 (J.Subramani V. The District Collector, Thiruvallur District, Thiruvallur) and this Court issued certain directions to the District Collector.

5.Following the same, this Writ Petition is also disposed of, by issuing a direction to the 1st respondent/District Collector, Tiruvallur District can pass orders only based on the recommendations of the Special Committee. As per the amended Rule 12, the District Collector shall place the eligible application before the Special Committee, for scrutinising the application and for getting its recommendations. However, it is open to the District Collector to place the petitioner's application before the Special Committee, constituted by her/his, as contemplated under the Amended Rule 12 of the Tamil Nadu Minor Mineral Concession Rules, 1959 and based on the recommendations of the Special Committee, the District Collector may pass orders on the application.

6.The Writ Petition is disposed of, with the above observation. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

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To

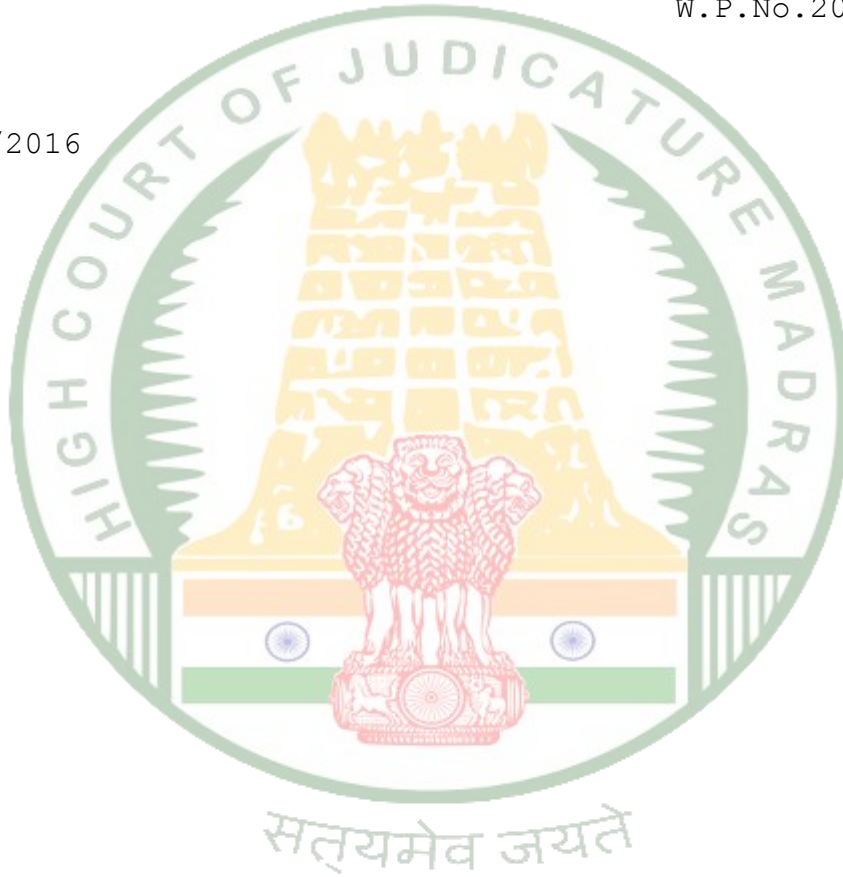
1.The District Collector,
Tiruvallore District,
Tiruvallore.

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

+1cc to Mr.Muthappan, Advocate Sr.33831
+1cc to the Government Pleader sr.34123

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srg 27/06/2016



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