

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.34994 of 2015

M/s.Megha & Co.,
represented by its Proprietor
S.Madhan,
No.43/469, Athiyaman Street,
Thiruvallur 602 001.

... Petitioner

Vs

1.The State of Tamilnadu,
represented by its Secretary,
Industries Department,
Fort St. George,
Chennai 600 009.

2.The District Collector,
Thiruvallur District,
Thiruvallur.

3.The Assistant Director,
Geology and Mining,
Thiruvallur

... Respondents

Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus to direct the District Collector, Thiruvallur District, the 2nd respondent herein to consider the application for grant of license for storage and transportation of sand submitted under Rule 38(C) (3) of the Tamilnadu Minor Mineral Concession Rules 1959 on 24.4.2011 to the 2nd respondent forthwith.

For Petitioner : Mr. K. Balakrishnan

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

O R D E R

The present Writ Petition has been filed to direct the District Collector, Thiruvallur District, the 2nd respondent herein to consider the application for grant of license for storage and transportation of sand submitted under Rule 38(C) (3) of the Tamilnadu Minor Mineral Concession Rules 1959 on 24.4.2011 to the 2nd respondent forthwith.

2. The petitioner is dealing with sand business since 2006 and is having its stockyard at No.73, Choolai Village, Thiruvallur Taluk and District. The petitioner was issued with the license under the Minor Mineral Concessions Rules for storage and transportation of sand purchased from Public Works Department Quarries. Though the petitioner strictly complied with the conditions stipulated by the respondents in the course of its business, the respondent officials were disturbing its business based on the G.O.Ms.32, Industries MMCS Department dated 11.2.2011 and the subsequent Government orders by insisting to produce the documents which are not relevant to the sand business. After the issuance of GO Ms.32 Industries, MMCS department 11.2.2011, the stock yard holders have to apply for grant/renewal of license for storage and Transportation of sand. Accordingly, the petitioner applied for grant of licence on 24.4.2011 along with licence fee fulfilling all the requisite norms under Rule 38-C (3) of Appendix XX of the Minor Mineral Concession Rules, the District Collector has not issued the license on the application dated 24.4.2011. Since there is no license, the petitioner is not able to run the stock yard. The petitioner gave a reminder on 2.9.2015, enclosing all the required documents to the 2nd respondent to consider the renewal application, but till date, no order has been passed. Hence the petitioner is before this Court.

3. Heard the learned counsel for petitioner and Mr. T.N.Rajagopalan, Special Government Pleader who took notice for the respondent and with the consent of both parties, the writ petition is taken up for hearing at the stage of admission itself.

4. Though the prayer in this writ petition is related to the application dated 24.04.2011, the learned counsel for the petitioner submitted that it would be suffice if the pending reminder of the petitioner dated 2.9.2015 is considered by the respondents.

5. For the purpose of renewal of stock yard licence under Rule 38-C (3) of Minor Mineral Concession Rules, 1959, the petitioner moved an application on 24.4.2011, followed by reminder dated 02.09.2015. According to the learned counsel for the petitioner, such representation is still pending consideration.

6. It is further case of the petitioner that by virtue of the interim order passed by this Court in W.P.No.14309 of 2011, dated 01.07.2011, he was permitted to run the stock yard in question.

7. However, it is seen that the very relief sought for in the present writ petition to consider his application dated 24.04.2011, has already been negatived by the First Bench of this Court in a batch of writ petitions and the earlier writ petition in W.P.No.14309 of 2011 filed by the petitioner came to be dismissed. In such circumstances, this Court is unable to understand as to how this writ petition is maintainable. Therefore, this Court is of the considered view that since the prayer regarding grant of licence had already got rejected, the present writ petition to consider the reminder dated 02.09.2015, fails.

8. Accordingly, this writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary
Industries Department,
Fort St. George,
Chennai 600 009.

2. The District Collector,
Thiruvallur District,
Thiruvallur.

3. The Assistant Director,
Geology and Mining,
Thiruvallur.

+2cc to Mr.K.Balakrishnan, Advocate, S.R.No.31,1823
+2cc to the Government Pleader, S.R.No.1352,247

W.P.No.34994 of 2015

ad(CO)
srg(10/02/2016)