

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2016

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.23233 of 2016

L.Jayapal

.. Petitioner

..Vs..

1.The District Collector
Tiruvallur District
Tiruvallur.

2.The Assistant Director of Geology and Mining
Tiruvallur District
Tiruvallur.

.. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 1st respondent to forthwith grant permission to the petitioner to quarry Savudu/earth in S.F.N.185(P) in Alamathi Village, Ponneri Taluk, Tiruvallur District pursuant to the petitioner's application dated 09.06.2014.

For Petitioner : M/s.C.Sangamithirai

For Respondent : Mr.S.Diwakar

Special Government Pleader

ORDER

Heard Mrs.C.Sangamithirai, 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 Gravel from the PWD Tank comprised in S.No.185(P), Alamathi Village, Ponneri Taluk, Tiruvallur District.

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.Further, it is submitted by the learned Special Government Pleader that the special committee is yet to be constituted and apart from that, the place chosen by the petitioner should find place in the list prepared for granting permission to quarry Savudu.

6.Thus, following the direction issued in W.P.Nos.28019 of 2015, the present Writ Petition is disposed of, by issuing a direction to the 1st respondent/District Collector, Tiruvallur District to place the eligible application before the Special Committee, as per the amended Rule 12, for scrutinizing the application and for getting its recommendations and thereafter, pass appropriate orders. However, it is open to the District Collector to place the petitioner's application dated 09.06.2014 before the Special Committee, which shall be constituted as contemplated under Rule 12 of 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.

7.The Writ Petition is disposed of with the above observation. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

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To

1.The District Collector
Tiruvallur District
Tiruvallur.

2.The Assistant Director of Geology and Mining
Tiruvallur District
Tiruvallur.

+1cc to Ms.C.Sangemithirai, Advocate Sr.38424
+1cc to the Government Pleader sr.38993

W.P.No.23233 of 2016

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srg 19/07/2016



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