

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2016

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.23681 of 2016
and
W.M.P.No.20274 of 2016

K.Gowrisankar

...Petitioner

...Vs...

1. The District Collector
Tiruvallore District
Tiruvallore

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

...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 issue necessary proceedings in favour of the petitioner to quarry 4725 lorry loads of savudu in PWD tank comprised in S.No.368/1, Puduvayal II Village, Gummudipoondi Taluk, Tiruvallur District for the period of 50 days pursuant to the petitioner's application dated 27.02.2015 within the prescribed time limit by this Hon'ble Court.

For Petitioner : Mr.M.Muthuppan

For Respondents : Mr.S.Diwakar, S.G.P.,

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ORDER

Heard Mr.M.Muthuppan, 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 PWD tank comprised in S.No.368/1, Pudukkottai II Village, Gummudipoondi Taluk, Tiruvallur District for the period of 50 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, Tiruvallur District, Tiruvallur) 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 27.02.2015 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.

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7.The Writ Petition is disposed of with the above observation. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

cse

To

1. The District Collector
Tiruvallore District
Tiruvallore
2. The Assistant Director of Geology and Mining
Tiruvallore District
Tiruvallore

+1cc to Mr.Mr.M.Muthuppan, Advocate, S.R.No. 38877

+1cc to the Government Pleader, S.R.No. 38989

W.P.No.23681 of 2016
and
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KGK (CO)
PSI (23/07/2016)

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