

In the High Court of Judicature at Madras

Dated : 13.7.2016

Coram :

The Honourable Mr.Justice T.S.SIVAGNANAM

Writ Petition No.24047 of 2016 & WMP.No.20556 of 2016

P.Subramanian

...Petitioner

Vs

1.The District Collector, Cuddalore
District, Cuddalore.

2.The Assistant Director, Geology
& Mining, Guindy, Chennai-32.

....Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents from interfering with the petitioner quarrying gravel in S.No.128/7(Part) to an extent of 0.81.0 Hectares out of the total extent of 1.38.0 Hectares in Thenkuthu Village, Kurinjipadi Taluk, Cuddalore District till the expiry of lease period i.e. upto 31.1.2018 except as per law.

For Petitioner : Mr.K.R.Krishnan

For Respondents : Mr.S.Diwakar, SGP

ORDER

Mr.S.Diwakar, learned Special Government Pleader takes notice for the respondents. Heard both. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner was granted a lease of quarrying gravel in the patta lands belonging to one Mr.Kumar, S/O Devaraj measuring an extent of 0.81.0 hectares in S.F.No.128/7 (Part) out of the total extent of 1.38.0 hectares. The petitioner was granted quarrying permission for a period of two years from 1.2.2016 to 31.1.2018. The land is said to have been taken on lease by way of a lease deed registered as doc.No.2550 of 2012 on the file of the Sub-Registrar, Vadalur. The lease is stated to be for a period of five years commencing from 8.8.2012. The petitioner is stated to have been carrying on quarrying operations and he has been issued a transport permit by the second respondent. But, abruptly, from 8.7.2016 onwards, orally, the second respondent has refused to grant permission alleging that certain complaints have been received.

3. Therefore, the petitioner sent a representation on 8.7.2016, which has been received by the office of the second respondent on the same day, as could be seen from the date of seal, requesting for issuance of transport permission. However, the said request is still pending with the second respondent. It is not known as to what is the exact reason as to why the second respondent is refusing to grant permission.

4. If at all the petitioner has come to adverse notice of the respondents, it is always open to the respondents to pass an order. If nothing adverse was found, then the second respondent should not refuse to issue transport permit. Refusal to issue transport permit can be only for good and sufficient reasons, that too after communicating the same in a proper manner to the petitioner.

5. In the light of the above, without going into the merits of the allegations made by the petitioner, the writ is disposed of with a direction to the second respondent to consider the representation of the petitioner dated 8.7.2016 on merits and pass orders in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, the above WMP is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The District Collector,
Cuddalore District,
Cuddalore.

2.The Assistant Director,
Geology & Mining, Guindy, Chennai-32.

+1 cc to Mr.K.R.Kishnan Advocate sr.39012
+1 cc to the Government Pleader sr.39316

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