

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.28214 of 2016

E.Jayaseelan

... Petitioner

Vs.

1.The District Collector,
Tiruvallur District.

2.The Assistant Director Geology & Mining,
Tiruvallur District,
Tiruvallur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue Writ of mandamus to direct the first respondent to issue necessary proceedings in favour of the petitioner to quarry 4725 lorry loads of savudu in PWD tank comprised in S.No.185, Alamathi Village, Ponneri Taluk, Tiruvallur District, for the period of 50 days pursuant to the petitioner's application dated 17.09.2014 with the prescribed time limit.

For Petitioner : Mr.M.Muthappan

For Respondents: Mr.S.Diwakar, Spl.GP

ORDER

Heard Mr.M.Muthappan, learned counsel for the petitioner and Mr.S.Diwakar, learned Special Government Pleader, who accepts notice for the respondents and with their consent, the writ petition itself is taken up for disposal.

2. The petitioner seeks a direction to the first respondent to issue proceedings in his favour to enable him to quarry Savudu in PWD tank comprised in S.No.185, Alamathi Village, Ponneri 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 an identical issue was considered in a batch of cases in W.P.Nos.28019 of 2015 etc. batch dated 20.4.2016 (J.Subramani Vs. 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 a place in the list prepared for granting permission to quarry Savudu.

6. Thus, following the direction issued in W.P.No.28019 of 2015 etc., dated 20.4.2016, the present writ petition is disposed of by issuing a direction to the first respondent/District Collector, Tiruvallur District, to place the eligible applications before the Special Committee, as per the amended Rule 12 of the Tamil Nadu Minor Mineral Concession Rules, 1959, for scrutinizing the applications and for getting its recommendations and thereafter, pass appropriate orders. However, it is open to the District Collector to place the petitioner's application before the Special Committee, which shall be constituted as contemplated under the said Rule and based on the recommendations of the Special Committee, the District Collector shall pass orders on the application. No costs. Consequently, WMP.No.24363 of 2016 is closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

1.The District Collector,
Tiruvallur District.
Tiruvallur.

2.The Assistant Director Geology & Mining,
Tiruvallur District,
Tiruvallur.

+1 cc to M/s.M.Muthappan,advocate,sr.46362

+1 cc to The Government Pleader,sr.46802

mp(co)
krd 29/8

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