

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2016

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.28853 of 2016 &
W.P.No.24928 of 2016

V.G.Sathish Babu

.. Petitioner

..Vs..

1.The District Collector
Tiruvallore District
Tiruvallore

2.The Assistant Director of Geology & 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 first respondent to issue necessary proceedings in favour of the petitioner to quarry 4725 lorry loads of gravel in PWD tank comprised in S.No.1, Red Hills Village, Madhavaram Taluk, Ponnerly Taluk, Tiruvallur District for the period of 60 days pursuant to the first respondent's proceeding dated 17.3.2015, within the prescribed time limit.

For Petitioner : Mr.M.Muthappan

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

O R D E R

Heard Mr.M.Muthappan, 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 itself is taken up for final disposal.

2.The petitioner seeks for a direction upon the first respondent to issue necessary proceedings in his to quarry 4725 lorry loads of gravel in PWD tank comprised in S.No.1, Red Hills Village, Madhavaram Taluk, Ponnerly Taluk, Tiruvallur District

for the period of 60 days pursuant to the first respondent's proceeding dated 17.3.2015.

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 first respondent/District Collector, Tiruvallur District to place the eligible application before the Special Committee, as per the amended Rule 12 of the Tamil Nadu Minor Mineral Concession Rules, 1959, 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 08.09.2014 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. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rpa

To

1.The District Collector
Tiruvallore District
Tiruvallore

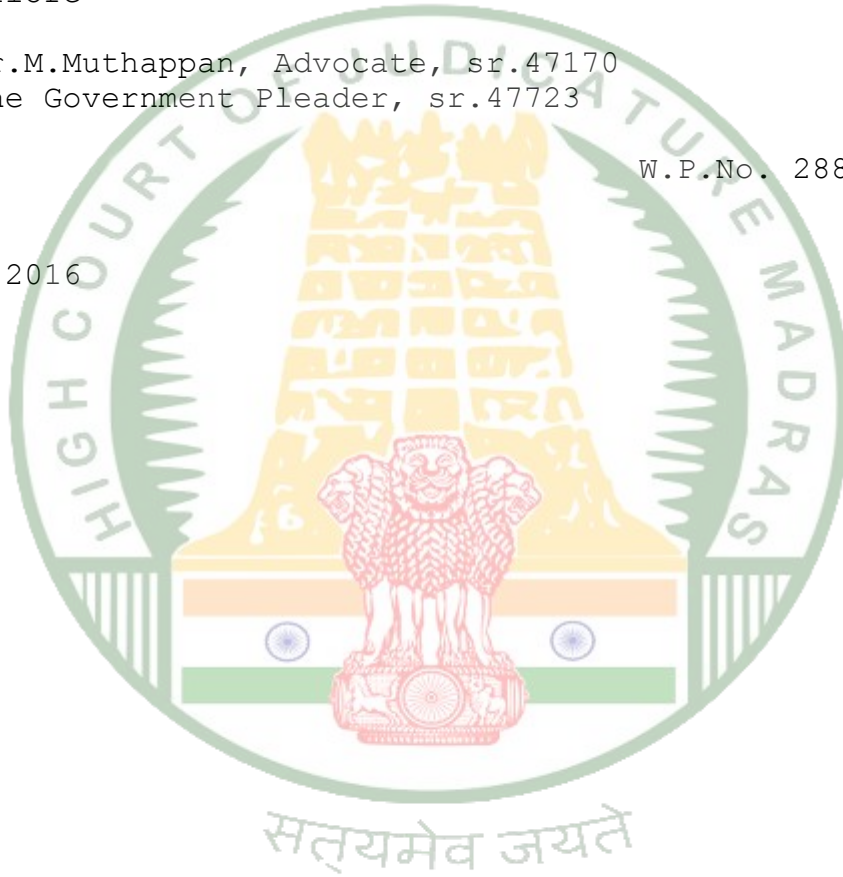
2.The Assistant Director of Geology & Mining
Tiruvallore District.
Tiruvallore

1 cc to Mr.M.Muthappan, Advocate, sr.47170

1 cc to The Government Pleader, sr.47723

W.P.No. 28853 of 2016

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kra 01.09.2016



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