

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2016

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.30440 of 2016 &
W.M.P.No.26392 of 2016

A.Mohamed Sikkandar

.. 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 4723 lorry loads of savudu in PWD tank comprised in S.No.69 (part) Kizhmeni Village, Ponneri Taluk, Tiruvallur District, for the period of 60 days pursuant to the first respondent's proceedings dated 02.02.2015 within the prescribed time limit.

For Petitioner : Mr.M.Muthappan

For Respondents: Mr.S.Diwakar
Special Government Pleader

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 proceedings in his favour to enable him to quarry savudu from the PWD tank for a stipulated period.

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 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/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

To

1.The District Collector,
Tiruvallore District.
Tiruvallore.

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

+1 cc to M.Muthappan,advocate,sr.49678.

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krd 20/9*

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