

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2016

CORAM

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.30730 of 2016

S.Ramachandran

.. Petitioner

-Vs-

- 1.The District Collector
Dharmapuri District.
- 2.The Deputy Director of Geology and Mines
The Collectorate, Dharmapuri District.
- 3.The Superintendent of Police
Dharmapuri District.
- 4.The Revenue Divisional Officer
Nallampalli Taluk, Dharmapuri District.
- 5.The Tahsildar
Nallampalli Taluk,
Dharmapuri District. .. Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to accept the application of the petitioner for grant of Registration Certificate for establishment of stockyard at Ellagiri Village, Nallampalli Taluk, Dharmapuri District after receiving the requisite fee by providing Challan for remittance into the Government Treasury and consider the same in accordance with law.

For Petitioner : Mr.T.K.S.Gandhi

For Respondents: Mr.S.Diwakar
Spl. Government Pleader

O R D E R

Heard Mr.T.K.S.Gandhi, learned Counsel for the petitioner and Mr.S.Diwakar, learned Special Government Pleader, who has accepted notice on behalf of the respondents. With the consent

of the learned counsel appearing on either side, the Writ Petition itself is taken up for disposal.

2.The petitioner has come forward with this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to accept his Application for grant of Registration Certificate for establishment of stockyard at Ellagiri Village, Nallampalli Taluk, Dharmapuri District, after receiving the requisite fee by providing Challan for remittance into the Government Treasury.

3.The first respondent has given written instruction to the learned Special Government Pleader vide communication dated 14.10.2016, which is to the following effect:

"The Writ Petitioner Thiru.S.Ramachandran filed W.P.No.30730/2016 before the Hon'ble High Court of Madras, praying to issue a Writ of Mandamus to direct the respondents to accept the application of the petitioner for grant of Registration Certificate for establishment of stockyard at Ellagiri Village, Nallampalli Taluk, Dharmapuri District after receiving the requisite fee by providing Challan for remittance into Government Treasury.

It is submitted that as per Tamil Nadu Minor Mineral Concession rules, 1959, 38-C(3) and (4),

(3) "Any persons who intends to store sand for sale shall make an application for grant of licence in the Form in Appendix XX to the District Collector concerned: Provided that if any person who has stored sand for the purpose of sale on the date of coming into force of this Rule shall apply to the District Collector in the said form for grant of license for the purpose of this Rule within sixty days from the date of coming into force of this Rule".

(4)"The person who makes an application as in Appendix-XX for the grant of licence, shall remit a non-refundable application fee of Rs.5000/- (Rupees five thousand only) to the District Collector concerned'.

In this regard it is humbly submitted that the Writ petitioner Thiru.S.Ramachandran (or) his agents (or) his men not approached this office in person or through by post regarding submission of application in the Form in Appendix-XX as per the available records of this office.

In the circumstances stated above, the writ petition filed by the petitioner deserves no consideration and liable to be dismissed as devoid of merits and thus render justice."

4.The learned counsel for the petitioner expresses the difficulty faced by the petitioner that unless and until a challan is given, the petitioner will not be able to remit the required fee.

5.Since the first respondent has taken a stand that the Application will be entertained only in the proper form, it goes without saying that the petitioner should be issued with a challan for remitting necessary fee. After the petitioner submits Application duly complete in all respects and after remitting the requisite fee, for which challan shall be issued, the first respondent shall consider the Application on merits and in accordance with law, within a period of three months.

The Writ Petition is disposed of on the above terms. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector
Dharmapuri District.

2.The Deputy Director of Geology and Mines
The Collectorate, Dharmapuri District.

3.The Superintendent of Police
Dharmapuri District.

4.The Revenue Divisional Officer
Nallampalli Taluk, Dharmapuri District.

5.The Tahsildar
Nallampalli Taluk,
Dharmapuri Ditricit.

+1cc to Mr.TKS.Gandhi, Advocate Sr.59289
+1cc to the Government Pleader sr.60193

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