

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.09.2016

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition No.30968 of 2016

Mr.A.P.Vignesh

...Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Secretary,
Industries Department,
Fort St. George,
Chennai - 600 009.

2.. The District Collector,
Krishnagiri District,
Krishnagiri.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's granite quarrying lease application, dated 29.01.2015, pertaining to the patta land granite quarry measuring 0.08.0 hectares, comprised in Survey Nos.125/1A, 0.52.0 hectares, in Survey No.125/1B1A, 0.91.0 hectares, in Survey No.27/2B1, and 0.99.0 hectares in Survey No.47/2B, totally measuring 2.50.6 hectares, situated in Nagampatti Village, Pochampalli Taluk, Krishnagiri District.

For Petitioner :Mr.K.Ramakrishna Reddy

For Respondents :Mr.S.Diwakar,
Special Government Pleader

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O R D E R

Heard Mr.K.Ramakrishna Reddy, learned counsel appearing for the petitioner, and Mr.S.Diwakar, learned Special Government Pleader, accepting notice on behalf of respondents. With consent on either side, the Writ Petition itself is taken up for disposal.

2. In this Writ Petition, the petitioner seeks for issuance of a writ of mandamus, to direct the first respondent to consider and pass orders on his application, dated 21.09.2015, made for grant of quarrying lease, to quarry granite in the patta lands, measuring an extent of i) 0.08.0 hectares, comprised in Survey Nos.125/1A, ii) 0.52.0 hectares, comprised in Survey No.125/1B1A, iii) 0.91.0 hectares, in Survey No.27/2B1, and iv) 0.99.0 hectares in Survey No.47/2B, totally, measuring 2.50.6 hectares, situated in Nagampatti Village, Pochampalli Taluk, Krishnagiri District.

3. The petitioner's case is that, pursuant to a Gift Settlement Deed, dated 20.03.2014, registered as Document No.705 of 2014, on the file of the Sub Registrar, Pochampalli, patta lands, measuring 2.50.6 hectares, in Nagampatti Village, was settled in favour of the petitioner and his mother, Tmt.P.Sarada, by the petitioner's father, Thiru.G.Palanisamy, son of Gurunatha Gounder. Thereafter, the petitioner submitted an application, dated 21.09.2015, for grant of quarrying licence, in respect of the subject property, after obtaining consent from his mother. The Revenue Divisional Officer (R.D.O.) Krishnagiri, is said to have prepared a feasibility report and forwarded the same to the second respondent/District Collector. It appears that, thereafter, the second respondent/District Collector has forwarded the said report to the first respondent, and the matter is now pending consideration of the first respondent.

4. The learned Special Government Pleader, on instructions from respondents would submit that, one Tmt.Dhanalakshmi, has submitted a representation, dated 26.10.2014, stating that, she has obtained a judgement and decree in a Suit filed by her, for partition of the suit property, in which, the subject property is one among the properties, based on which, the second respondent/District Collector, vide communication, dated 10.05.2016, has called for report from the R.D.O. and the R.D.O., in turn, has submitted a report on 20.07.2016, stating that the petitioner has to be enquired into on the said complaint, and after conducting enquiry, report will be submitted. At this juncture, positive direction cannot be issued to the first respondent to grant lease. However, ultimately, it is for the first respondent, who has to pass orders. Therefore, whatever enquiry is being conducted at the district level, report has to be submitted by the second respondent/District Collector to the first respondent.

5. Accordingly, there will be a direction to the second respondent/District Collector to take note of all the facts, call for appropriate report from R.D.O., and thereafter, send a comprehensive report to the first respondent, for passing appropriate orders. The direction issued herein shall be complied with, by the second respondent within a period of six weeks from the date of receipt of a copy of this order, and on receipt of report from the second respondent/District Collector, the first respondent shall pass appropriate orders, on merits and in accordance with law, within a period of eight weeks thereafter.

6. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The State of Tamil Nadu,
rep. by its Secretary,
Industries Department,
Fort St. George,
Chennai - 600 009.

2.. The District Collector,
Krishnagiri District,
Krishnagiri.

+1cc to Mr.K.Ramakrishna Reddy, Advocate sr.50399
+1cc to the Government Pleader Sr.50642

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