

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 07.09.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.31081 of 2016

T.Sampath Kumar

.. Petitioner

Versus

1.The District Collector,
Tiruvallore District,
Tiruvallore.

2.The Assistant Director Geology and Mining,
Tiruvallore District,
Tiruvallore.

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, to direct the first respondent to place the petitioner's Application dated 18.02.2015 along with report of the various Departments before the Special Committee constituted under Rule 12 of Tamil Nadu Minor Mineral Concession Rules, 1959 to grant permission to quarry 5000 lorry loads of gravel in Panchayat Union tank comprised in S.No.126, Thamarai Kuppam Village, Ellapuram Panchayat Union, Uthukottai Taluk, Tiruvallur District within the prescribed time limit fixed by this Court.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.S.Diwakar
Special Government Pleader

O R D E R

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

2. The petitioner seeks for a direction upon the first respondent to place the petitioner's Application, dated 18.02.2015 along with reports of the various Departments before the Special Committee constituted under Rule 12 of Tamil Nadu Minor Mineral Concession Rules, 1959, for grant of permission to quarry 5000 lorry loads of gravel in Panchayat Union tank comprised in S.No.126, Thamarai Kuppam Village,

Ellapuram Panchayat Union, Uthukottai Taluk, Tiruvallur District.

3. The learned counsel for the petitioner would submit that the Competent Authority viz., the Assistant Engineer (RD) Ellapuram Panchayat Union has submitted a report after conducting a spot inspection, dated 02.03.2015, wherein, he has recommended for grant of quarrying permission to the petitioner. A sketch submitted by the Inspector of Survey and Land Records, Uthukottai has certified by the Assistant Engineer (RD), Ellapuram Panchayat Union, has also been appended to the said Report. The Commissioner of Ellapuram Panchayat Union, considering the said report of Assistant Engineer, has submitted further report to the District Collector, dated 03.03.2015 and the matter is now pending before the District Collector. It is submitted that in so far as the permission to quarry in tanks belonging to the Panchayat Union is concerned, the competent authority to recommend such application would be the Assistant Engineer of Panchayat Union and the Commissioner of Panchayat Union and in the petitioner's case both these authorities have submitted their recommendations.

4. The learned Special Government Pleader submitted that any Application for grant of permission to quarry from tanks in charge of various Departments can be done only in accordance with Rule 12 of the Tamil Nadu Minor Mineral Concession Rules, 1959 and if the Application is complied with various requirements under the Rule, then, the Collector will consider and place the same before the Committee. The learned Special Government Pleader also pointed out that in terms of Rule 13, there is a prohibition for Municipal Council and Panchayat Board to grant permission for quarrying sand, if it is for a commercial purpose.

5. In the light of the above, the Writ Petition stands disposed of by directing the petitioner to submit a representation to the first respondent along with a copy of this order, enclosing the recommendations said to have been issued by the Assistant Engineer of the Panchayat Union and the Commissioner of Panchayat Union and if the same is submitted, the first respondent shall consider the said representation on merits and in accordance with law, pass a speaking order and communicate the same to the petitioner by Registered Post with Acknowledgment Due within a period of three weeks from date of receipt of the representation by the petitioner. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

To

1.The District Collector,
Tiruvallore District,
Tiruvallore.

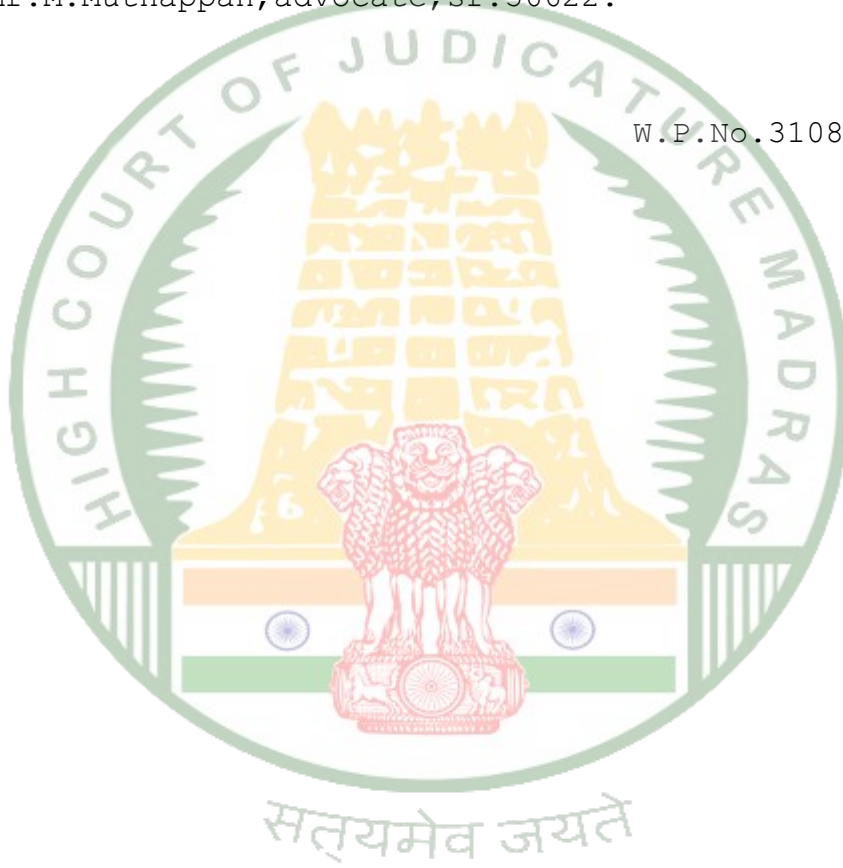
2.The Assistant Director Geology and Mining,
Tiruvallore District,
Tiruvallore.

+1 cc to Govt.Pleader,sr.50858

+1 cc to Mr.M.Muthappan,advocate,sr.56622.

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