

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2016

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.33042/2016

D.Arunbabu

.. Petitioner

..Vs..

1.The District Collector
Tiruvallur District, Tiruvallur.

2.The Assistant Director
Geology and Mining,
Thiruvallur District, Tiruvallur.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of mandamus directing the 1st respondent herein to place the petitioner's quarry application dated 05.09.2012 along with the reports of various departments before the Special Committee constituted under amended Rule 12 of Tamil Nadu Minor Mineral Concession Rules, 1959, for grant of Savudu quarry lease for a period of 60 days to remove savudu for a quantity of 28800 cubic metres in SF.No.784,PWD tank at Neithavoyal village, Ponneri Taluk, Tiruvallur District.

For Petitioner : Mr.B.Parthasarathy

For Respondents : Mr.S.Diwakar, Spl.GP

ORDER

Heard Mr.B.Parthasarathy, learned counsel for the petitioner and Mr.S.Diwakar, learned Special Government Pleader accepting notice on behalf of the respondents and with the consent on either side, the writ petition is taken up for final disposal.

2 The petitioner seeks for a direction upon the 1st respondent to issue necessary proceedings in his favour to enable him to remove savudu for a quantity of 28800 cubic metres in SF.No.784,PWD tank at Neithavoyal village, Ponneri Taluk, Tiruvallur District for a period of sixty days.

3 As rightly pointed out by the learned Special Government Pleader, the Tamil Nadu Minor Minerals Concession Rules and the procedure stipulated have been amended for considering such applications.

4 It is submitted by the learned counsel on either side that an identical issue was considered in a batch of cases in WP.Nos.28019 of 2015 etc., batch dated 20.04.2016 [J.Subramani V. The District Collector, Tiruvallur District, Tiruvallur], 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 WP.Nos.28019/2015 etc., cases, dated 20.04.2016, the present writ petition is disposed of by issuing a direction to the 1st 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 scrutinising 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 05.09.2012 before the Special Committee, which shall be constituted as contemplated under Rule 12 of the 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. No costs.

Sd/-
सत्यमेव जयते

Assistant Registrar(CS II)

//True Copy//

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Sub Assistant Registrar

AP

To

1.The District Collector
Tiruvallur District, Tiruvallur.

2.The Assistant Director
Geology and Mining,
Thiruvallur District, Tiruvallur.

1 cc to Mr.B.Parthasarathy, Advocate, sr.53411
1 cc to Government Pleader, sr.53665

W.P.No.33042/2016

vgi co
kra 06.10.2016



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