

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No.33342 of 2016

V.Duraiarasu

...Petitioner

Vs

1.The District Collector, Erode
District, Erode.

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

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to forthwith grant permission to the petitioner to quarry gravel/earth in S.F.No.337/1(P) in Odathurai Village, Bhavani Taluk, Erode District pursuant to the petitioner's application dated 12.6.2014.

For Petitioner : Ms.C.Sangamithirai
For Respondents : Mr.S.Diwakar, SGP

ORDER

Heard both. By consent, the writ petition itself is taken up for final disposal.

2. The petitioner seeks a direction to the first respondent to issue proceedings in his favour to enable him to quarry gravel/earth 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 applications.

4. It is submitted by the learned counsel on either side that an identical issue was considered in a batch of cases in W.P.Nos.28019 of 2015 etc. batch dated 20.4.2016 (*J.Subramani Vs. 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 a place in the list prepared for granting permission to quarry gravel/earth.

6. Thus, following the direction issued in W.P.No.28019 of 2015 etc. cases dated 20.4.2016, the above writ petition is disposed of by issuing a direction to the first respondent to place the eligible applications before the Special Committee, as per the amended Rule 12 of the Tamil Nadu Minor Mineral Concession Rules, 1959, for scrutinizing the applications 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 the said Rules and based on the recommendations of the Special Committee, the District Collector shall pass orders on the application.
No costs.

20.10.2016

Internet : Yes

To

- 1.The District Collector, Erode District, Erode.
- 2.The Assistant Director, Geology and Mining, Erode District, Erode.

RS

T.S.SIVAGNANAM,J
RS

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