

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2016

C O R A M

THE HON'BLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.33393 of 2016

M.G.Subramani

... Petitioner

Vs

1.The Principal Secretary to Government,
Industries Department,
Fort St. George, Chennai 600 009.

2.The Commissioner of Geology and Mining,
Chennai – 600 032.

3.The Deputy Director,
Geology and Mining,
Kancheepuram District,
Kancheepuram.

4.The District Collector,
Kancheepuram District,
Kancheepuram.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to grant permission for quarry operation in Orakadam Village in Survey No.412/3A and in Edarkundram Village in Survey No.127/1, Thiruporur Taluk, Kancheepuram District to grant quarry Lease for a period of 5 years as a special case.

For petitioner ... Mr.R.Chandrasekaran

For respondent ... Mr.S.Diwakar
Special Government Pleader

ORDER

The petitioner has filed this writ petition praying for issuance of writ mandamus to grant permission for quarrying rough stone. The petitioner seeks for preferential consideration on the ground that they are a Co-operative Society consisting of Adi Dravidar people.

2. There has been earlier round of litigation and ultimately, the Hon'ble First Bench, in W.A.No.722 of 2014, which was filed against the order dated 21.11.2013 in W.P.No.34604 of 2012, while confirming the order passed in the writ petition and refusing to interfere with the order passed by the Government, held that the Society cannot be granted lease in respect of the lands in Survey No.127/1 to an extent of 10 hectares at Edakundram Village, Chengalpet Taluk, Kancheepuram District. While dismissing the writ appeal, an observation was made that in the event there is any other place as the respondents are of the view that the Society can be accommodated, the order passed by the Hon'ble First Bench dated 11.09.2014 will not come in the way.

3. During the pendency of this Writ Petition, the petitioner was given liberty to apply afresh, the learned counsel for the petitioner produced copy of such application dated 22.04.2016 sent by speed

post from which it is seen that the application is for grant of quarrying permission in Survey No.127/1, Edakundram Village, Kacheepuram Village. As the Hon'ble First Bench has already rejected the petitioner's request for grant of quarrying permission in the said land, once again the petitioner cannot approach the authority for grant of quarrying permission in respect of the same property. Therefore, the relief sought for by the petitioner cannot be granted and while rejecting the prayer sought for, liberty is granted to the petitioner to file appropriate application in respect of any other land which they may identify and if such application is filed, the 4th respondent shall consider the same in accordance with law within a period a period of eight weeks from the date of such application is filed.

4.The Writ Petition is disposed of with the above observation.

No costs.

03.06.2016

Index : Yes/No
Internet : Yes/No
sgl

T.S.SIVAGNANAM,J

Sgl

To

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