

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2016

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THE HONOURABLE MR. **JUSTICE R.SUBBIAH**

Writ Petition No.36291 of 2016

and W.M.P.No.31206 of 2016

1 V.Gopi Krishna ... Petitioner

Vs.

- 1 The District Collector
Namakkal District
Namakkal.
- 2 The Assistant Director
Geology and Mining
Namakkal.
- 3 The Revenue Divisional Officer
Revenue Division Office
Namakkal.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to consider and dispose of petitioner's application dated 22.12.2015 in accordance with sections 19 and 20 of the Tamil Nadu Minor Mineral Concession Rules, 1959 within the time limit fixed by this Honourable Court.

For Petitioner : Mr.A.Jenasenan

For Respondents : Mr.S.Diwakar,
Spl. Govt. Pleader.

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to consider and dispose of his application dated 22.12.2015 in accordance with Sections 19 and 20 of the Tamil Nadu Minor Mineral Concession Rules, 1959 within the time limit fixed by this Court.

3. It is the case of the petitioner that he is engaged in the business of gravel quarry for the past several years. Earlier, in the year 2011 and 2013, he submitted applications seeking lease for gravel quarry and the same were granted to him. Subsequently, he applied for grant of lease for gravel quarry to the second respondent on 9.2.2015 for the land comprised in S.Nos.131/3C2, 131/3C3, 131/3C4 and 131/3D3 situated at Molapalayam Village, Rasipuram Taluk, Namakkal District along with necessary fees. After receipt of

the said application, the second respondent ought to have forwarded the same to the third respondent, who in turn, after getting recommendation / report from the revenue Inspector and Tahsildar of Rasipuram Taluk, has to forward the same to the second respondent and subsequently, the second respondent has to forward his recommendation / report to the first respondent and the first respondent will decide the same. Since no action was taken on his application dated 9.2.2015, the petitioner again submitted the same application on 22.12.2015 and the respondents 2 and 3, by proceedings dated 11.1.2016, forwarded the same to the Rasipuram Tahsildar for inspection, who in turn, conducted an inspection and submitted his report dated 4.2.2016 recommending the petitioner's application. After receiving the said report, the third respondent issued a notice dated 22.7.2016 to the petitioner stating that some objections were received with regard to grant of lease to the petitioner and requested him to appear for enquiry in person. The petitioner has also appeared before the third respondent and submitted his explanation. However, till date, no action was taken on his application. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the first respondent to consider the application of the petitioner dated 22.12.2015 seeking lease for gravel quarry for the land comprised in S.Nos.131/3C2, 131/3C3, 131/3C4 and 131/3D3 situated at Molapalayam Village, Rasipuram Taluk, Namakkal District and pass appropriate orders, on merits and in accordance with law and also in accordance with Sections 19 and 20 of the Tamil Nadu Minor Mineral Concession Rules, 1959, within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

18.10.2016

Index:Yes/No
sbi

To

- 1 The District Collector
Namakkal District
Namakkal.
- 2 The Assistant Director
Geology and Mining
Namakkal.
- 3 The Revenue Divisional Officer
Revenue Division Office
[Namakkal.](#)

R.SUBBIAH, J

sbi

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