

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.10.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.36384 of 2016 and

W.M.P.No.31329 of 2016

K.P.Pandidurai ... Petitioner

Vs

1.The District Collector,
Erode District,
Erode

2.The Revenue Divisional Officer,
Erode District,
Erode.

3.The Tahsildar,
Kodumudi,
Erode District.

4.The Executive Officer,
Vengampur Town Panchayat,
Kodumudi Taluk,
Erode District.

5.The Deputy Director,
Geology & Mining Department,
Erode-11

6.T.Dhandapani ... Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India to issue Writ of Certiorari, calling for the records pertaining to the proceedings of the 3rd respondent in Na.Ka.No.1558/2016 A2, dated 04.10.2016, served on 08.10.2016, on the file of the 3rd respondent and quash the same as illegal and incompetent.

For Petitioner : Mr.M.Guruprasad

For Respondents : Mr.S.Diwakar, Spl.G.P. for R1 to R3
Mr.A.Raja Perumal for R4

O R D E R

Heard Mr.M.Guruprasad, the learned counsel for the petitioner and Mr.S.Diwakar, the learned Special Government Pleader, who accepts notice on behalf of respondents 1 to 3 and Mr.A.Rajaperumal, the learned counsel, who accepts notice on behalf of the fourth respondent and with the consent of either side, the writ petition itself is taken up for final disposal.

2. The petitioner has filed this writ petition challenging an order passed by the Tahsildar, Kodumudi, the third respondent herein, in and by which, the petitioner has been directed not to carry on the manufacture activities of handmade bricks in the land owned by him, on the basis of the order and direction issued in a writ petition filed by one P.Dhadapani, in W.P.No.25790 of 2016.

3. On a perusal of the records, it is seen that in the order dated 25.07.2016, passed in W.P.No.25790 of 2016, this Court did not issue any direction to the Tahsildar to stop the petitioner's activities. However, by misinterpreting the said order, the Tahsildar has passed the order, dated 4.10.2016. That apart, this order has been passed without notice to the petitioner and without opportunity. These are all sufficient grounds to set aside the impugned order.

4. The learned Special Government Pleader has obtained written instructions from the Deputy Director of Geology and Mining, Erode/the fifth respondent herein, vide his communication, dated 25.10.2016, from which it is seen that the fifth respondent has accepted the fact that the petitioner has paid the Registration fee of Rs.100/-, application fee of Rs.1,500/-, seigniorage fee of Rs.5,000/-. However, the only reason given by the fifth respondent is that the petitioner has not applied in the proper formate.

5. The learned Special Government Pleader submits that the proper formate for the application is as per Appendix-IV-A to the Minor Mineral Concession Rules, 1959 and this is the only impediment the petitioner cannot be permitted to carry on the manufacture of handmade bricks, which appears to be a cottage industry. That apart, the petitioner has produced all other documents, which are also admitted in the communication of the fifth respondent, dated 25.10.2016.

6. Accordingly, the writ petition is allowed and the impugned order is quashed. The petitioner is directed to submit the application in the proper formate, along with a copy of this order and on receipt of the same, the respondents 1 to 3 shall consider the said application and take a proper decision in the matter without giving any room for complaints, since the petitioner states that his brother's wife is employed in the Collectorate and on account of that there is lot of pressure exerted on the officials. This Court is not inclined to take note of the said submission, but only would add a word in this order that the District Collector, while considering the application, shall proceed strictly in accordance with law.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

msk

To

- 1.The District Collector,
Erode District, Erode
- 2.The Revenue Divisional Officer,
Erode District, Erode.
- 3.The Tahsildar,
Kodumudi, Erode District.
- 4.The Executive Officer,
Vengampur Town Panchayat,
Kodumudi Taluk, Erode District.
- 5.The Deputy Director,
Geology & Mining Department, Erode-11

+1 CC to Mr. M. Guruprasad, Advocate Sr.No.61868
+1 CC to the Government Pleader, Sr.No.62151

W.P.No.36384 of 2016

MD : 2/11/2016