



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:29.04.2016

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD) No.6476 of 2016

and

WMP (MD) No.5646 of 2016

S.Sannasi

... Petitioner

Vs.

1. The District Collector,
Collectorate,
Thoothukudi District,
Thoothukudi.

2. The Assistant Director,
Geology and Mining,
Collectorate,
Thoothukudi.

... Respondents

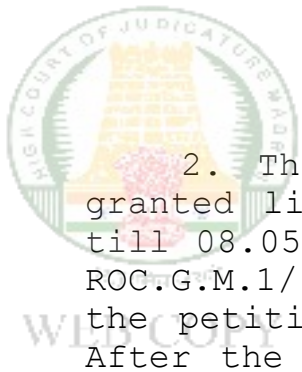
Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from restraining the petitioner to take gravel/earth till completion of period of licence ie 08.05.2016 as per the condition of licence, dated 09.06.2015 in ROC.G.M.1/612/2013 issued by the first respondent and further to direct to grant required Trip Sheets for taking and transporting of said gravel/earth.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.S.Sadeshkumar,
Additional Government Pleader

ORDER

The Writ Petition has been filed for a Writ of Mandamus forbearing the respondents from restraining the petitioner to take gravel/earth till completion of period of licence ie 08.05.2016 as per the condition of licence, dated 09.06.2015 in ROC.G.M.1/612/2013 issued by the first respondent and further to direct to grant required Trip Sheets for taking and transporting of said gravel/earth.



2. The case of the petitioner is that the petitioner was granted licence to take gravel for a period of eleven months ie till 08.05.2015 as per the conditional order dated 09.06.2015 in ROC.G.M.1/612/2013 issued by the first respondent. Accordingly, the petitioner had been quarrying and transporting gravel/earth. After the grant of licence, the petitioner was asked to pay the first installment amount of Rs.3,36,135/- and that according to the petitioner, after receipt of said amount chellan was not issued to him. Thereafter, vide letter, dated 11.08.2015, the respondents insisted the petitioner to pay the second and third installments of seigniorage fee, which was also paid by him and trip sheet to gravel from the allotted area from 12.08.2016 to 21.08.2015 was also given. After that, the petitioner was not allowed to take the gravel. Again, for the second time permission was granted to the petitioner to take gravel from 05.10.2015 to 14.10.2015. Though the lease period is only for a period of eleven months, the trip sheets were not issued by the authorities for the reasons best known to them. The petitioner claims that he had paid the entire amount of Rs.10,11,375/-. But he was allowed to take gravel worth less than Rs.1,45,000/-. Therefore, the petitioner had come before this Court with the above said prayer.

3. On notice, the learned Additional Government Pleader appearing for the respondents has filed a counter affidavit stating that the petitioner removed earth from the unpermitted aread of Thuppassatti kanmoi and the depth of quarring was more than one metre. It is also stated that the Revenue Divisional Officer, Kovilpatti has inspected the area on 02.11.2015 and sent a detailed report on the quarrying violations found on 20.10.2015 and the report is awaited. Therefore, transport permit was temporarily stopped so as to prevent any attempt of disturbing the scene offence.

4. Heard the submissions made on either and perused the materials available on record.

5. It is surprising that even without ascertaining the excess area that the petitioner was quarrying in violation of the licence, how the respondents can stop issuance of trip sheet. Before stopping issuance of transport permit, admittedly, there is no show-cause notice issued to the petitioner about the alleged violation . As the licence period coming to end on 08.05.2016, the petitioner may be granted transport permit till then by the authorities for quarrying gravel/earth.

6. The petitioner undertakes to restrict his quarrying only within the area granted under the licence. In case any violation, it is open to the respondents to take action according to law. The actual violation if any by the petitioner pursuant



to the report of the Revenue Divisional Officer, Kovilpatti, may be dealt with by the authorities appropriately. This order is granted only to enable the petitioner to complete his licence period and the same may not be taken advantage for any other purposed.

With the above direction, the Writ Petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(T&P)

/TRUE COPY/

Sub Assistant Registrar

To

1. The District Collector,
Collectorate,
Thoothukudi District, Thoothukudi.
2. The Assistant Director,
Geology and Mining,
Collectorate, Thoothukudi.

+1cc to M/s.V.Rajiv Rufus, Advocate, Sr.No.25238

pm

JM/JGB-DP/SAR-I/29.04.2016/3P-4C

W.P(MD) No.6476 of 2016
29.04.2016