



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:27.04.2016

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD) No.8275 of 2016

and

WMP (MD) No.6701 of 2016

M.K.Thavamani

... Petitioner

Vs.

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Deputy Director of Mines & Minerals,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to grant temporary permit to the petitioner for conducting quarry operation for removal of gravel in S.No.209/1, 213/9, 228/1, 210/1A, 210/2A & 211/1B in Sudiyr Village measuring a total extent of 4.76.5 hectares in accordance with the Tamil Nadu Minor Mineral Concession Rules 1959, forthwith.

For Petitioner : Mr.Veerakathiravan,
Senior Counsel for
M/s.C.Jegannathan

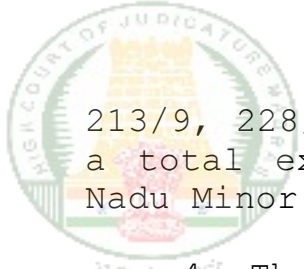
For Respondents : Mr.S.Sadeshkumar,
Additional Government Pleader

ORDER

Mr.S.Sadeshkumar, learned Additional Government Pleader takes notice for the respondents.

2. By consent of parties, the main Writ Petition is taken up for final disposal.

3. The petitioner seeks for a Mandamus directing the respondents herein to grant temporary permit to the petitioner for conducting quarry operation for removal of gravel in S.No.209/1,



213/9, 228/1, 210/1A, 210/2A & 211/1B in Sudiyr Village measuring a total extent of 4.76.5 hectares in accordance with the Tamil Nadu Minor Mineral Concession Rules 1959, forthwith.

4. The petitioner is the owner of patta lands in S.No.209/1, 213/9, 228/1, 210/1A, 210/2A & 211/1B in Sudiyr Village measuring a total extent of 4.76.5 hectares. As there is availability of gravel in the above said patta lands, the petitioner applied for mining lease for conducting quarry operations of removal of gravel in the said lands. After inspection by the Revenue Officials, by proceedings in Na.Ka.799/G& M/2/2014, dated 15.07.2014, the Authorities thought it fit to grant mining lease if the petitioner got appropriate orders from the other statutory authorities.

5. Accordingly, it is stated that mining plan was prepared and was duly approved by the respondents on 07.08.2014 itself. The State level Environmental Impact Assessment Authority also had given the environmental clearance by proceedings in Lr.No.SEIAA-Tamil Nadu/F.No.2854/EC/1(a)/3036/2015, dated 25.02.2016, after following all the legal requirements. Similarly, the petitioner had also obtained consent from the Tamil Nadu Pollution Control Board for having licence in his favour by consent order No.160114834341, dated 21.03.2016. The Deputy Director of Town & Country Planning also certified that the Survey numbers are in the non-planning area and does not require permission under the Tamil Nadu Town & Country Planning Act. Having obtained all the necessary clearance from the appropriate authorities, the petitioner had sent a detailed representation to the respondent on 23.03.2016 seeking permission for quarrying gravel in the patta lands of the petitioner. However, there is no response. Hence, the above Writ Petition has been filed for the above stated relief.

6. In the light of the above facts, without going into the merits of the case, the first respondent is directed to consider the approval for grant of permission/licence for quarrying gravel in the patta lands of the petitioner after satisfying with all the legal and necessary formalities, based on the representation, dated 23.03.2016, within a period of two weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar (CS-II)

/TRUE COPY/



To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Deputy Director of Mines & Minerals,
Ramanathapuram District.

+1cc to M/s.C.Jeganathan, Advocate, Sr.No.24596

+1cc to the Special Government Pleader, Sr.No.24684

pm

JM/JGB-DP/SAR-I/29.04.2016/3P-5C

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27.04.2016