



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:05.12.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

Writ Petition(MD)No.8774 of 2013
and
M.P(MD)No.1 of 2013

A.Mohammed Ibrahim

... Petitioner

Vs.

1. The District Collector,
Tiruchirapalli District,
Tiruchirapalli.

2. The Assistant Director of
Geology & Mining,
Tiruchirapalli.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the respondents to permit the petitioner to carry on quarrying operations for the stoppage period of 7 months and 8 days as per the representation given by the petitioner, dated 03.05.2013 in respect of the Stone Quarry, situated in S.No.620(2) part of Pollancheri Village, Musiri Taluk, Tiruchirappalli District following the Division Bench Order in W.A.No.542 of 2011, dated 26.04.2012.

For Petitioner : Mr.A.Rahul
For Respondents : Mr.M.Alagathevan,
Special Government Pleader

ORDER

The petitioner has sought for a direction to the respondents to permit him to carry on quarry operations for the stoppage period in pursuant to his representation, dated 03.05.2013.

2. The petitioner's case is that he was granted lease for a period of five years commencing from 02.06.2008 to 01.06.2013 for quarrying rough-stone.



3. According to the learned counsel for the petitioner, the second respondent had orally informed the petitioner on 05.09.2012 that he will not issue Despatch Slip for quarrying and removing of rough-stone. In view of the respondents' action, the petitioner could not operate the said quarry from 24.09.2012 till 02.05.2013. Since the period of non-operation was owing to the action taken by the respondents, the petitioner is entitled to be permitted for quarrying during the non-operation period.

4. The learned Special Government Pleader on the other hand would submit that the petitioner had violated the Permit Conditions and during the period of verification from 24.09.2012 to 02.05.2013, they had observed certain violations. Among these violations, the petitioner had not maintained 7.5 metres boundary barrier of the quarry, which resulted in damaging of Tiles of the cattle shed of the nearby residence. With these submissions, the learned Special Government Pleader would submit that the petitioner is not entitled for permission to quarry during the non-operation period.

5. I have considered the rival submissions made by the respective counsels.

6. The counter-affidavit filed by the first respondent is not clear as to from what date the petitioner was not permitted to quarry in the subject land. Nevertheless, the first respondent had issued a show-cause notice, dated 04.12.2012 to the petitioner calling upon him to rectify the observations made by the Revenue Divisional Officer. Pursuant to the show-cause notice, the petitioner had given a reply stating that he had rectified all the violations and that the non-operational period was due to the inaction on the part of the respondents to consider his representation.

7. It is also seen that the petitioner had earlier approached this Court seeking for a Writ of Mandamus directing the respondents to issue Despatch Slip during the non-operational period. This Court had directed the respondents to consider the petitioner's representation in this regard. In spite of the direction of this Court as well as the petitioner's representation, dated 03.05.2013, the respondents have not acted on the same till date. It is needless to point out that whenever a representation is made and the respondents fail to act on the same either by agreeing or rejecting the same, it amounts to dereliction of the ordinary duties of their office. Further, there has been a direction of this Court earlier to consider the petitioner's representation, which has also not been done till date. The lethargic attitude in disregarding this Court's earlier order is to be viewed as a wilful contempt. Nevertheless, in order to accord one more opportunity, the first respondent is



directed to look into the petitioner's plea.

8. In the above circumstances, there shall be a direction to the first respondent to consider the petitioner's representation, dated 03.05.2013 on its own merits and pass orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that I have not expressed any of my views with regard to the petitioner's claim made in the representation.

With the above direction, this Writ Petition stands disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Tiruchirapalli District,
Tiruchirapalli.
2. The Assistant Director of
Geology & Mining,
Tiruchirapalli.

+ 1 CC TO Mr.A.RAHUL, ADVOCATE IN SR No. 79196

PM

TE/SS-2 : 20/12/2016 : 3P/4C

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and
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