

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.6140 of 2017
and
W.M.P.No.6616 of 2017

SPA Enterprises
rep. by tis Managing Partner,
P.Purushothaman
No.65,/34-A, Ulavar street,
Komarasamypet,
Dharmapuri Taluk and District.Petitioner

Vs.

1. The Chief Secretary,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009.
2. The Secretary,
Public Works department,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009.
3. The Secretary,
Industries Department,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009.
4. The Commissioner of Geology and Mining,
Guindy, Chennai - 600 032.
5. The District Collector,
Sivaganga District,
Sivaganga.

....Respondents

Petition filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of Mandamus to direct the respondents to consider and pass orders on the application of the petitioner dated 27.08.2016 with respect to an extent of 37.63 acres of land comprised in various survey numbers situated

at Vazhuthanikurup Periyakottai Ulkadai Vazhuthiasekara Nallur Village and Periyakottai Ulkadai Vaguthani village, Sivaganga Taluk and District and grant permission to carry on the sand quarrying operations, transporting and market the same.

For Petitioner ... Mr.S.Sadasharam

For Respondents.. Mr.C.Jagadish,
Special Government Pleader
(M.V. & M.M.)

O R D E R

Mr.C.Jagadish, learned Special Government Pleader (M.V. & M.M) takes notice on behalf of the respondents. By consent of the parties, the main writ petition itself is taken up for final disposal at the admission stage.

2. Though this writ petition is filed seeking for a direction to the respondents to consider the petitioner's application dated 27.08.2016 seeking for sand quarry permission, it appears that the said application of the petitioner was not made to the proper authority, namely, the District Collector of the concerned District where the land is situated. On the other hand, the said application was presented by the petitioner as a general representation to The Honourable Chief Minister of this State. Needless to say that if an application has to be made under the relevant statute, seeking permission to quarry, it has to be made only before such authority so as to enable him to consider and to decide such application. Without doing so, the petitioner cannot approach this Court and seek for disposal of the present application. Accordingly, this writ petition is disposed of by granting liberty to the petitioner to make a fresh application before the competent authority. If any such application is filed, it is open to the said authority to consider such application and decide the same on its own merits and in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

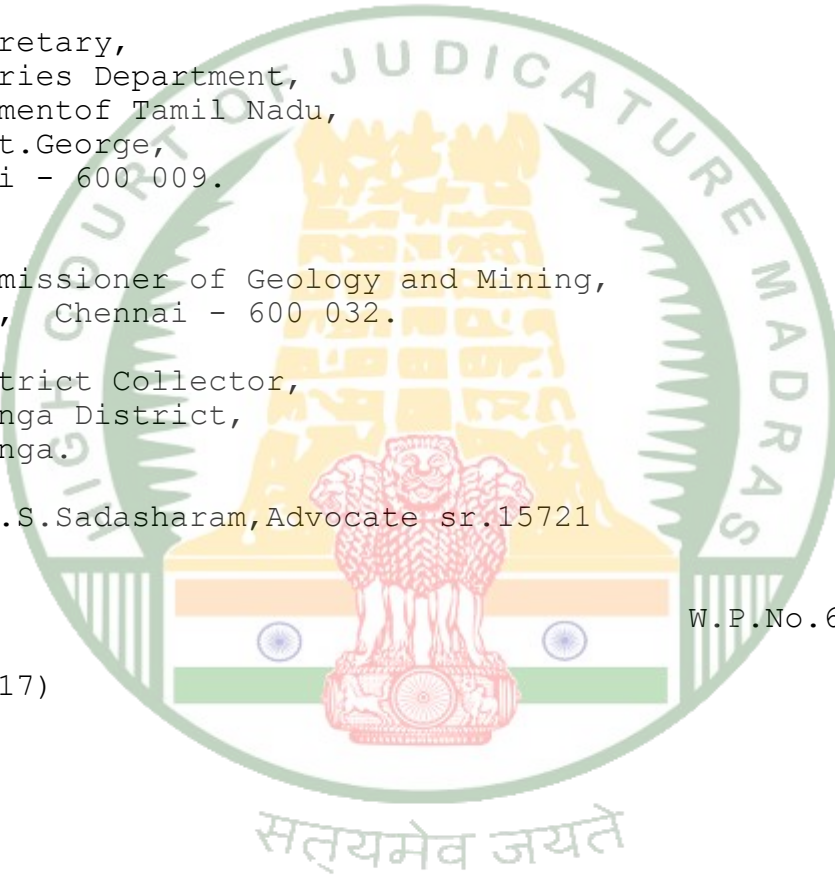
vsi

To

1. The Chief Secretary,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009.
 2. The Secretary,
Public Works Department,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009.
 3. The Secretary,
Industries Department,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009.
 4. The Commissioner of Geology and Mining,
Guindy, Chennai - 600 032.
 5. The District Collector,
Sivaganga District,
Sivaganga.
- +1cc to Mr.S.Sadasharam, Advocate sr.15721

sv1(co)
ss(22/3/2017)

W.P.No.6140 of 2017



WEB COPY