

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.2561 of 2017

&

W.M.P.No.2524 of 2017

R.Ganesan

.. Petitioner

Vs.

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.The Assistant Director,
Geology and Mining,
Thiruvallur District,
Thiruvallur.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the first respondent to place the petitioner's son's application dated 25.08.2014 along with the entire report of various departments before the Special Committee constituted under Rule 12 of the Tamil Nadu Mining and Mineral Concession Rules, 1959 and grant mining lease in favour of the petitioner to quarry 4719 lorry loads of Savudu(ordinary soil) in PWD Tank comprised in S.No.185, Alamathi Village, Ponneri Taluk, Tiruvalur District.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.Akhil Akbar Ali

O R D E R

By consent of the parties, the main writ petition itself is taken up for final disposal.

2.This writ petition is filed seeking for issuance of Mandamus to direct the first respondent to place the petitioner's son's application dated 25.08.2014 before the Special Committee constituted under Rule 12 of the Tamil Nadu Mining and Mineral Concession Rules, 1959 and to grant mining lease in favour of the petitioner to quarry 4719 lorry loads of Savudu(ordinary soil) in PWD Tank comprised in S.No.185, Alamathi Village, Ponneri Taluk, Tiruvalur District.

3.Heard Mr.M.Muthappan, learned counsel for the petitioner and Mr.Akhil Akbar Ali, learned counsel for the respondents.

4.The very prayer sought for in this writ petition by the writ petitioner is for a direction to the first respondent to consider the petitioner's son's application dated 25.08.2014, seeking permission to quarry by the petitioner. Admittedly, the petitioner is not the applicant and on the other hand, his son was the applicant. It is also stated that the son of the petitioner, after making such application, died in an accident. Therefore, the question of considering the application filed by the petitioner's son, who is admittedly no more, does not arise.

5.Even otherwise, in the counter affidavit filed by the first respondent, it is stated that the Committee through its proceedings dated 20.10.2016, rejected the request of the petitioner's son's application and such decision taken by the Committee was also informed to the petitioner by the proceedings of the District Collector, Tiruvallur District dated 03.11.2016. When such being the position, I do not think anything survives in this writ petition to be adjudicated upon further as the very prayer has already been rejected by the respondents.

6.Accordingly, the writ petition deserves no merit and thus, is dismissed. No costs. The connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

Dn

To

1.The District Collector,
Thiruvallur District,
Thiruvallur.

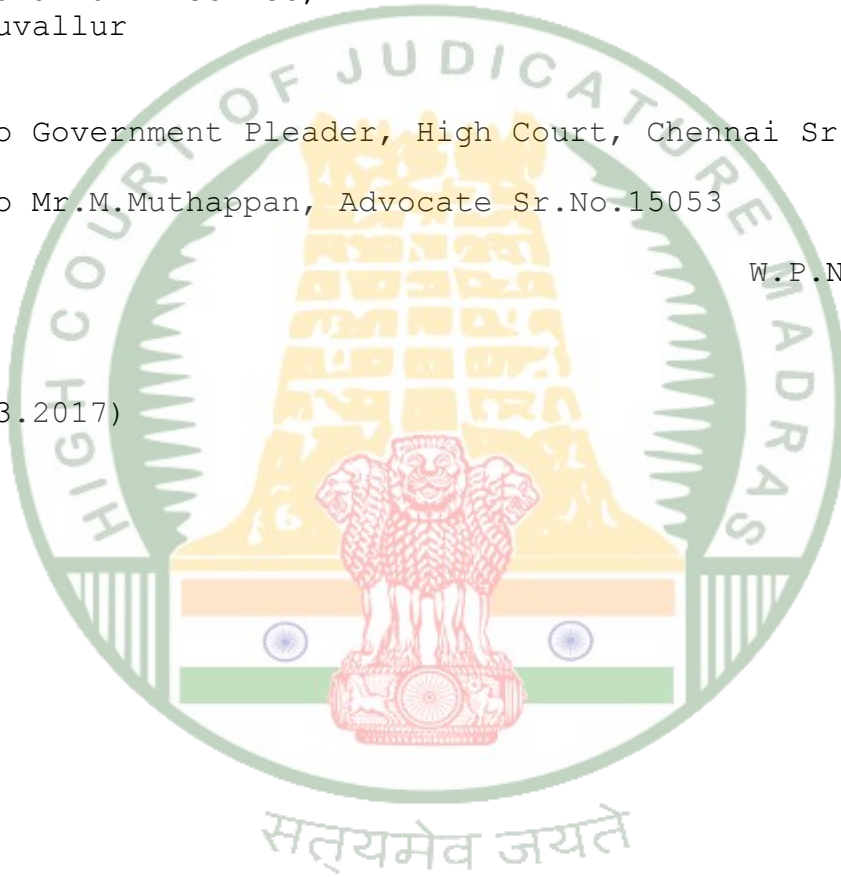
2.The Assistant Director,
Geology and Mining,
Thiruvallur District,
Thiruvallur

+1 CC to Government Pleader, High Court, Chennai Sr.No.15160

+1 CC to Mr.M.Muthappan, Advocate Sr.No.15053

W.P.No.2561 of 2017

PA (CO)
KP (17.03.2017)



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