

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2017

CORAM

THE HONOURABLE MR.JUSTICE RAJIV SHAKDHER

W.P.No.2799 of 2017
And
W.M.P.No.2729 of 2017

V.Jayaprakash ... Petitioner
Vs.

The District Collector,
Krishnagiri District, Krishnagiri. ... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to consider the representation of the petitioner dated 07.11.2016 and allot the alternative land bearing S.F.No.327/1 admeasuring 3.00.0 Hectares, which is located in the Southern side of the notified land i.e. Part- 2 in S.F. No.327/1 in Gobanapalli Village, Hosur Taluk, Krishnagiri District for quarrying operation or any other suitable place as the respondent District Collector may consider for quarrying operation for a period of 10 years, within the time frame fixed by this Honourable Court.

For Petitioner : Mr.V.Sanjeevi

For Respondent : Mr.C.Jagadish
Special Government Pleader

O R D E R

1.Issue Notice. Mr.C.Jagadish, learned Special Government Pleader, accepts notice on behalf of the respondent. With the consent of the learned counsels for parties, the writ petition is taken up for hearing and final disposal.

2.The grievance of the petitioner is that even though in an auction carried out by the respondent, he had purchased the subject land, for the purpose of quarrying stone, the entire exercise has come to a naught, as he found that no stone is available in the land purchased by him.

3.To be noted, as per the record placed before me, the petitioner participated in an auction conducted by the respondent on 18.02.2016, qua, the subject land, described as land, bearing S.F.No.327/1 (Part-1), admeasuring 3.00.0 Hectares, situate in Gobanapalli Village, Hosur Taluk, Krishnagiri District.

4.The petitioner claims that he was the highest bidder. It is asserted by the petitioner that, he, accordingly, paid a sum of Rs.76 Lakhs, which led to a lease deed dated 29.07.2016 being executed in his favour by the respondent. The petitioner avers that as per the said lease deed, he is entitled to quarry stone over a period of ten years.

4.1.The petitioner's case, as indicated at the very outset, is that, he discovered that there was no stone available in the aforementioned mine.

4.2.It appears that this fact was revealed to the petitioner in August, 2016. The petitioner claims that he found no stone in the aforementioned land up till the depth of 120 feet.

5.The petitioner thus, claims, that he has since then, made several representations to the respondent for allotting an alternative parcel of land. In this regard, reference is made by the petitioner to representations dated 18.10.2016, 20.10.2016 and 07.11.2016. The petitioner claims that the last representation was received by the respondent on 09.11.2016. It is, in these circumstances, the petitioner says that he has been constrained to approach this Court.

6.Mr.Jagadish, who appears for the respondent says, that, if, this Court were to direct the respondent to deal with the representation, appropriate orders would be passed.

7.I have heard the learned counsels appearing for the parties and perused the record.

8.I am inclined to grant the prayer sought for by the petitioner. Accordingly, the respondent is directed to consider the representations filed by the petitioner. The respondent will, for this purpose, afford a personal hearing to the petitioner. A written notice in that behalf, will be issued to the petitioner, setting out the date, time and venue of the hearing. Upon hearing the petitioner, the respondent will pass a speaking order, on the representations made by the petitioner and, found on record. Needless to say, a copy of the order passed will be furnished to the petitioner. The aforementioned exercise will be completed by the respondent, with due

expedition, though, not later than eight weeks from the date of receipt of a copy of this order.

9.The writ petition is disposed of, in the aforementioned terms. Consequently, the connected pending application is also closed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

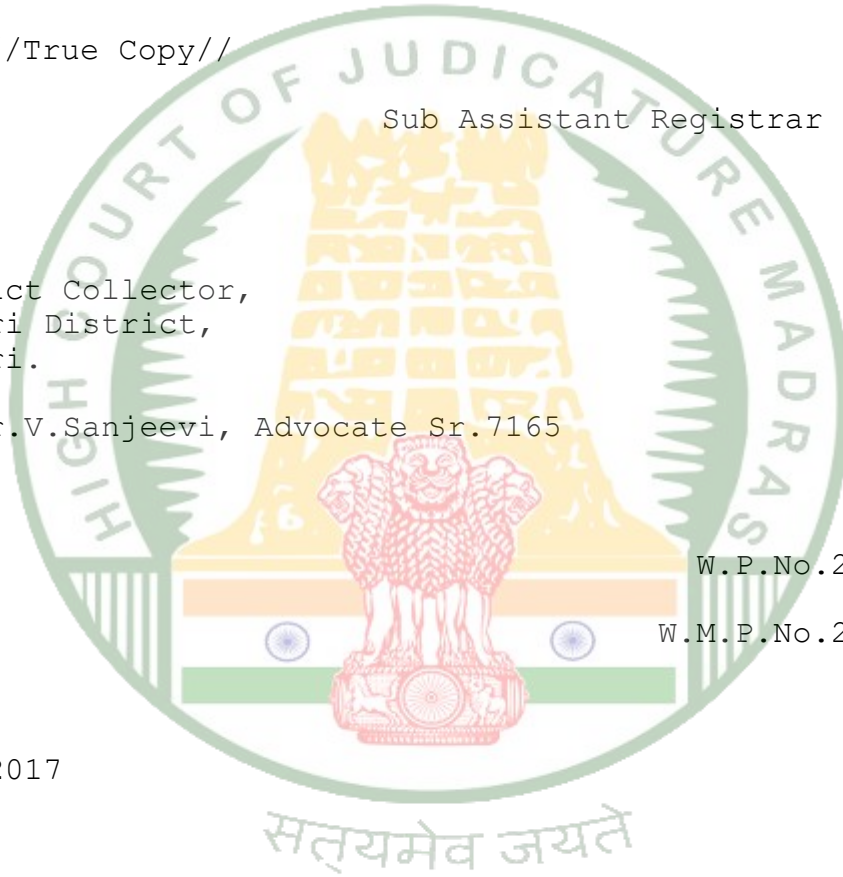
To

The District Collector,
Krishnagiri District,
Krishnagiri.

+lcc to Mr.V.Sanjeevi, Advocate Sr.7165

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And
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