



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :14.03.2017

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD) No.10085 of 2014

P.Aruna

... Petitioner

Vs.

The District collector,
Tirunelveli District,
Tirunelveli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondent to grant license to the petitioner to store sand based on the petitioner's application dated 24.05.2013 and as per Rule 38-C of Tamilnadu Minor Mineral Concession Rules.

For Petitioner	: Mr.T.Selvan
For Respondent	: Mr.T.R.Janardhanam Additional Government Pleader

ORDER

This writ petition has been filed praying for issuance of a Writ of Mandamus directing the the respondent to grant license to the petitioner to store sand based on his application dated 24.05.2013 and as per Rule 38-C of Tamil Nadu Minor Mineral Concession Rules.

2. By consent of both the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.The petitioner would aver among the other things in the writ petition that he is a registered dealer in sand under TNGST. He used to purchase sand from the Public Works Department and store the same in his patta land in S.F.No.1243/4A2, admeasuring 0.09.50 hectares at Tharuvai Village, Palayamkottai Taluk, Tirunelveli District. After making process, the petitioner would sell the same to the intending buyers to their destination with valid bills. While so, the Government by G.O.(Ms.).No.32 Industries (MMC2) Department, dated 11.02.2011, has introduced Rule 38-C in the Tamil Nadu Minor Mineral Concession Rules, by



which it has been mandated that for setting up of stockyard, storage license shall be obtained and the sale slip also shall be obtained by the stockiest from the Deputy Tahsildar. Hence, the petitioner has submitted his application dated 24.05.2013 to the respondent, as per Rule 38-C. As there was no response to the same, he has submitted his representation to the respondent. The said representation has also not been considered by the respondent. Hence, he has come up with this writ petition for the aforesaid prayer.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

5. When the matter came up for hearing on 07.03.2017, this Court directed the learned Additional Government Pleader to verify whether the representation of the petitioner is still pending or not. Today, the learned Additional Government Pleader represented that the representation of the petitioner is still pending and the same will be considered by the respondent in accordance with law.

6. In view of the above, without adverting into the merits of the case, the respondent is directed to consider the representation of the petitioner on merits and in accordance with law and dispose of the same, within a period of four weeks from the date of receipt of a copy of this order. The petitioner is directed to enclose a copy of this order, besides his application as well as the representation already sent to the respondent, for further follow up, in this regard.

7. With the above direction, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

The District collector,
Tirunelveli District,
Tirunelveli.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 14694
+ 1 CC TO Mr.T.SELVAN, ADVOCATE IN SR No. 14916

GCG

<https://hcservices.mca.gov.in/hcservices> 10/04/2017 : 2P/4C

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