



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2017

CORAM:

THE HON'BLE MRS. JUSTICE J.NISHA BANU

W.P. (MD) No.10202 of 2014

J.Peter Alphonse

... Petitioner

-vs-

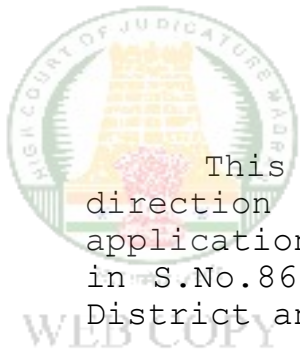
- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Revenue Divisional Officer,
Tirunelveli,
Tirunelveli District.
- 3.The Tahsildar,
Sankarankovil Taluk,
Sankarankovil,
Tirunelveli District.
- 4.The Executive Engineer, PWD, WRO,
Chittar Basin Division,
Tenkasi,
Tirunelveli District.
- 5.The Assistant Director,
Geology and Mining Department,
Tirunelveli.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's application dated 16.08.2013 submitted in the prescribed format seeking license for the storage of sand in S.No.865/4, Thannoothu Village, Sankarankovil Taluk, Tirunelveli District and Transportation of sand and pass orders thereon within a time frame.

For Petitioner : Mr.R.Subramanian

For Respondents : Mr.R.Anandaraj,
Govt. Advocate

**O R D E R**

This writ petition has been filed by the petitioner seeking a direction to the respondents to consider the petitioner's application dated 16.08.2013 seeking license for the storage of sand in S.No.865/4, Thannoothu Village, Sankarankovil Taluk, Tirunelveli District and Transportation of sand within a time frame.

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

3.Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

4.The petitioner averred among the other things in the affidavit filed in support of the petition that he is engaged in the business of marketing river sand from PWD quarry, blue metal jelly, and M.S. Sand from crushing unit by storing the materials in small quantity. As per Rule 38 of the Tamil Nadu Minor Mineral Concession Rule, 1959, any person who intends to store sand for sale has to make an application for grant of license in the form prescribed in Appendix - XX. On 16.08.2013, the petitioner submitted an application to the first respondent seeking license for storage of sand in S.No.865/4 and transportation of sand. The first respondent has directed, by his letter dated 19.08.2013 and 07.01.2014 directed the respondents 2 and 4 respectively to make spot inspection and to send a proposal for granting license. But, till date the application is pending without any response. Hence, he has come up with this writ petition.

5.When the matter came up for hearing today, the learned Government Advocate on instructions from the respondents submitted that after inspection, the report has been sent to the first respondent and the same is still pending with the first respondent. He would further submit that the first respondent would consider the same and pass appropriate orders as early as possible.

6.In view of the above submission of the learned Government Advocate, the first respondent is directed to consider application of the petitioner dated 16.08.2013 and pass appropriate order on the same on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

7.The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS-III)

/True copy/



To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Tirunelveli,
Tirunelveli District.

3.The Tahsildar,
Sankarankovil Taluk,
Sankarankovil,
Tirunelveli District.

4.The Executive Engineer, PWD, WRO,
Chittar Basin Division,
Tenkasi,
Tirunelveli District.

5.The Assistant Director,
Geology and Mining Department,
Tirunelveli.

+1 CC to MR.R.SUBRAMANIAN, Advocate, SR No. 15865

+1 CC to M/s.THE SPECIAL GOVERNMENT PLEADER, SR No. 16183

GCG

PSM/SV-MMS/SAR3/17.04.2017/3P/8C

W.P. (MD) No.10202 of 2014
20.03.2017