

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 02.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P (MD) No.11629 of 2015****and****W.M.P (MD) No.8935 of 2016**

Dhanalakshmi,
Proprietor of Dhanalakshmi Chemicals,
234, Sankarankovil Road,
Rajapalayam, Virudhunagar District.

... Petitioner

Vs.

1. The State of Tamil nadu
rep. by its Commissioner and
Secretary to Government,
Industries Department,
Fort St. George, Chennai.
2. The Commissioner,
Geology and Mines Department,
Guindy, Chennai.
3. The Assistant Director,
Mines and Minerals Department,
Rajapalayam, Virudhunagar District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the second respondent in his proceedings in Na.Ka.No.18025/M.M.4-2002, dated 05.10.2010 and quash the same as illegal and consequentially to direct the second respondent to grant license for quarrying lime stones in the petitioner's lands situated at S.No.300/1,302 to an extent of 5.125 Hectares in Panthapuli Village, Sankarankovil Road, Tirunelveli District within the period that may be stipulated by this Court.

[Prayer is amended vide order dated 01.02.2017 made in W.P (MD) NO.8936 of 2016].



For Petitioner : Mr.C.Venkateshkumar
for M/s.Ajmal Associates.

For Respondents : Mr.J.Gunaseelan Muthaiah,
Government Advocate.

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ORDER

This writ petition has been filed seeking a Writ of Certiorarified Mandamus to quash the impugned order passed by the second respondent in his proceedings in Na.Ka.No.18025/M.M.4-2002, dated 05.10.2010 and direct the second respondent to grant license for quarrying lime stones in the petitioner's lands to an extent of 5.125 Hectares, situate in Survey Nos.300/1, 302, Panthapuli Village, Sankarankovil Road, Tirunelveli District.

2.According to the petitioner, he made an application on 22.08.1994 before the first respondent, seeking to grant permission to take limestone from her lands admeasuring 5.125 Hectares, situate in Survey Nos.300/1, 302, Panthapuli Village, Sankarankovil Road, Tirunelveli District. The second respondent rejected the same on the ground that the said survey number has been proposed to be reserved for TANCEM, against which, she filed W.P(MD)No.7040 of 2005, wherein this Court, set aside the said order and directed to consider the application afresh and pass orders. Thereafter, the second respondent, passed the impugned order dated 05.10.2010, rejecting her prayer. Challenging the same, the petitioner has come up with this writ petition.

3.Heard both sides.

4.When the matter is taken up for hearing, the learned Government Advocate appearing for the respondents submitted that subsequent to the filing of the writ petition, yet another rejection order was passed, on 01.12.2011. Hence, the learned counsel appearing for the petitioner seeks liberty to challenge the same.

5.Granted such liberty, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar



To

1. The Commissioner and Secretary to Government,
Industries Department, Government of Tamil Nadu,
Fort St. George, Chennai.

2. The Commissioner,
Geology and Mines Department,
Guindy, Chennai.

3. The Assistant Director,
Mines and Minerals Department,
Rajapalayam, Virudhunagar District.

+1cc to M/S. AJMAL ASSOCIATES, Advocate, SR.No.69509.

ORDER MADE IN
W.P (MD) No.11629 of 2015
and
W.M.P (MD) No.8935 of 2016
02.08.2017

smn

SDS/KKR/SAR 3/16.08.2017/2P/5C