



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :10.03.2017

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD) No.18724 of 2015

M.Ramalingam

.. Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Tirunelveli, Tirunelveli District.

2.The Assistant Director,
Geology & Mining,
Office of the District Collector,
Tirunelveli, Tirunelveli District.

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the first respondent to consider the application dated 12.08.2015 submitted by the petitioner under Rule 38(C) of Tamil Nadu Minor Mineral Concession Rules, 1959 seeking licenses for storage of sand in S.Nos.2384/23, 24, 25A, 25B, 25C and 2384/26 situated in Perukudi Village, Kavalkinaru Panchayat in Radhakulam Taluk, Tirunelveli District.

For Petitioner : Mr.M.Gnanagurunathan

For Respondents : Mr.R.Anandraj
Government Advocate

ORDER

This writ petition has been filed praying for the issuance of a Writ of Mandamus directing the first respondent to consider the application dated 12.08.2015 submitted by the petitioner under Rule 38(C) of Tamil Nadu Minor Mineral Concession Rules, 1959 seeking licenses for storage of sand in S.Nos.2384/23, 24, 25A, 25B, 25C and 2384/26 situated in Perukudi Village, Kavalkinaru Panchayat in Radhakulam Taluk, Tirunelveli District.

2. By consent, this writ petition is taken up for final disposal.
<https://hcservices.ecourts.gov.in/hcservices/>



3. The case of the petitioner is that he has submitted an application for grant of license as per the Tamil Nadu Minor Minerals Concession Rule 1959 on 12.08.2015 along with the non-refundable application fee of Rs.5,000/- to the first respondent and the first respondent has received the said sum on 13.08.2015. It is the further case of the petitioner that while producing the application, he has produced all the required documents. The petitioner further contends that Rule 38(c) has been inserted by the State of Tamil Nadu in the Tamil Nadu Minor Minerals Concession Rule, 1959 vide G.O.Ms.No.32 (Industries Department) dated 10.02.2011, which prohibits storing sands for sale in any place without a valid license. Therefore, the petitioner has made an application as per the provision of the said act and the first respondent should pass orders on the application within a period of 30 days from the date of receipt of the application, but, till date, the first respondent has not passed any orders in respect of granting license to the petitioner. Hence, the petitioner has come forward with the present writ petition.

4. Learned Government Advocate for the respondents would submit that if sufficient time is granted, the respondents are ready to dispose of the representation within a time frame fixed by this Court.

5. Considering the submissions of the petitioner as well as the respondents, the first respondent is directed to consider the application of the petitioner dated 12.08.2015 and dispose of the same, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, if the application is not already disposed of. The petitioner is directed to enclose a copy of this order along with the copy of the application already sent to the first respondent for further follow up. It is made clear that this order should not be construed as giving any positive direction to the first respondent, who shall decide the issue independently on the basis of the materials available before him.

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

Sd/-

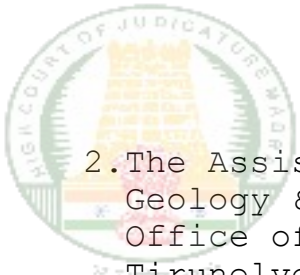
Assistant Registrar(AD-II)

/True Copy/

Sub-Assistant Registrar

To,

1.The District Collector,
Office of the District Collector,
Tirunelveli, Tirunelveli District.



2.The Assistant Director,
Geology & Mining,
Office of the District Collector,
Tirunelveli, Tirunelveli District.

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ssm

MAS/RR/SAR4:06.04.2017:3P-4C

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