



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WEB COPY

W.P. (MD) No.3800 of 2014

and

M.P. (MD) Nos.1 & 3 of 2014

Pallavi Raja

... Petitioner

-vs-

1. The District Collector,
Karur.
2. The Additional Director of Mines,
Karur.
3. The Commissioner,
Kulithalai Municipality,
Kulithalai.
4. The Executive Officer,
Town Panchayat,
Vaigainallur.
5. The Vaigainallur Panchayat
Rep. By its President,
Mr.M.Gopal,
Kulithalai Taluk, Karur District.

(R5 is impleaded vide court order
dated 20/03/2017 in MP(MD) 2/2014)

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 1st and 2nd Respondents to release the privilege fee of the village in respect of sand quarrying in S.F.No.1/2 of Vaigainallur Village (Now in Kulithalai Municipality) of Kulithalai Taluk in as per sand quarry permit in R.C. No.289/Mines/2012 dated 24.12.2012 in favour of the 3rd respondent.

For Petitioner	: Mr.R.Murali
For R1 & R2	: Mr.S.Kumar
	Addl. Govt. Pleader
For R3	: Mr.Rajarajan
For R4	: No Appearance
For R5	: Mrs.D.Geetha

**ORDER**

This writ petition has been filed, seeking a direction to the 1st and 2nd respondents to release the privilege fee of the village in respect of sand quarrying in S.F.No.1/2 of Vaigainallur Village (Now in Kulithalai Municipality) of Kulithalai Taluk as per sand quarry permit in R.C. No.289/Mines/2012 dated 24.12.2012 in favour of the 3rd respondent.

2. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for R1 and R2, the learned counsel for R3 and the learned counsel for R5.

3. The case of the petitioner is that the proceedings dated 24.12.2012 in Rc.No.289/Mines/2012 was issued by the District Collector to the Executive Engineer, Public Works Department, Water Resources Department, River Conservation Division, Trichirappalli, by which, the Water Resources Department was granted permission by the 1st respondent to conduct sand quarry in S.No.1/2 (Part) of Vaigainallur Village, Kulithalai Taluk, Karur District and therefore, the petitioner, who was the then Chairman of the Kulithalai Municipality made a representation dated 23.12.2013 to the Commissioner, Geology and Mining, Chennai to part with the seniorage fee collected in the quarry for the purpose of development of Kulithalai Municipality. Though the said authority has forwarded the representation to the 1st respondent, the same is still pending with the 1st respondent without any progress. Hence, the petitioner is before this Court.

4. At this juncture, learned counsel for R5 would specifically submit that the area in which the quarrying operation is being conducted, exclusively belongs to Vaigainallur Village, Kulithalai Taluk, Karur District and therefore, there is no question of parting with the amount collected for the benefit of Kulithalai Municipality Panchayat.

5. However, this Court is not inclined to go into all these aspects. Therefore, this Court, without going into the merits of the matter, directs the District Collector to look into the matter with regard to the claim made by the petitioner as well as the 5th respondent and after affording an opportunity of hearing to the petitioner and the 5th respondent, pass appropriate orders in one way or the other, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar



To:

1. The District Collector,
Karur.
2. The Additional Director of Mines,
Karur.
3. The Commissioner,
Kulithalai Municipality,
Kulithalai.

+1cc to Mr.M.Rajarajan, Advocate Sr.No.65460
+1cc to Mr.M.Suresh Kumar, Advocate Sr.No.65402
+1cc to The Spl.Government Pleader Sr.No.65670

AR/RM

VB/MR/KKR/SAR4/27.07.2017/3P/7C

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