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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2017

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.10345 of 2017

and

W.M.P(MD)No.7927 of 2017

S.Alagarsamy

... Petitioner

Vs.

1. The District Collector,
Theni District.

2. The Assistant Director
(Geology and Mines) Department,
Theni 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 issue the permit to the petitioner for quarrying the wind sand from the patta land, measuring 0.67.4 Hectares in S.No.421/2A and measuring 1.32.3 Hectares in S.No.421/3A, total measuring 1.99.7 Hectares, in Pottipuram village in Uthamapalayam Taluk, Theni District, within a time to be fixed by this Court, by disposing the petitioner's representation, dated 23.04.2017.

For Petitioner

: Mr.R.Suriya Narayanan

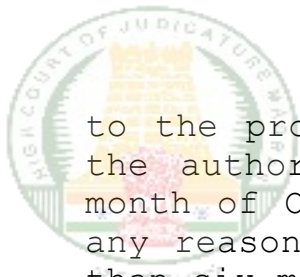
For Respondents

: Mr.G.Muthukannan

Government Advocate

O R D E R

The petitioner has given an application on 13.06.2016 along with all the necessary documents to the first respondent for getting permission to quarry the wind sand and the first respondent after scrutinizing the petitioner's application, vide his proceedings in Na.Ka.No.80/Kanimam/2016, dated 21.09.2016 proposed to give permit to quarry the same in the said land for three years with certain conditions subject to production of approved mining plan and consent from the State Level Environment Impact Assessment Authority, Chennai. The petitioner running from post to pillar for getting the permit, but the first respondent has not come forward to issue the permit. At last on 23.04.2017, the petitioner has given a detailed representation to the first respondent and requested him to issue the permit as according to his proceeding in Na.Ka.No.80/Kanimam/2016, dated 21.09.2016, but in spite of the same he did not heed the petitioner's request. Therefore, the provisional permit was given on 21.09.2016 subject



to the production of the approved mining plan and clearance from the authority concerned, and the same are produced even in the month of October and November 2016, the first respondent, without any reason holding the petitioner's application for the past more than six months.

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

3. The learned Government Advocate would submit that if a direction is issued to the first respondent to dispose of the representation within a time frame, the first respondent will consider and dispose of the representation on merits and in accordance with law.

4. Considering the above facts, this Court directs the first respondent to consider the representation of the petitioner dated 23.04.2017 in the light of the document, which has been produced by him, and pass orders on merits and in accordance within law within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Theni District.
2. The Assistant Director
(Geology and Mines) Department,
Theni District.

+1 CC to M/s.R.SURIYANARAYANAN, Advocate, SR No. 58889
+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 58489

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PSM/JC/SAR1/15.06.2017/2P/5C

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