



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2017

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.10463 of 2017

C.Subramanian

... Petitioner

-Vs-

1. The District Collector,
Sivagangai District,
Sivagangai.

2. The Deputy Director,
Department of Geology and Mining,
Sivagangai District.

... Respondents

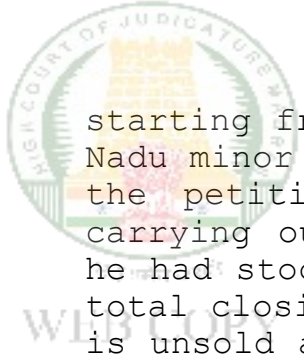
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent herein to take necessary action with respect to the application for renewal of the Sand Stock Yard of the petitioner dated 19.10.2016, for running of Sand Stock Yard and Second Sales in S.No.236/1E1 in Patta No.651 of Keezha Poongudi Village, Sivagangai Taluk and District under Rule 38-C of the Tamil Nadu Minor Minerals Concession Rules, 1959.

For Petitioner : Mr.M.Gururaj

For Respondents : Mr.G.Muthu Kannan
Government Advocate**O R D E R**

The Writ Petition has been filed for issuance of a Writ of Mandamus directing the first respondent to take necessary action with respect to the application for renewal of the Sand Stock Yard of the petitioner dated 19.10.2016, for running of Sand Stock Yard and Second Sales in S.No.236/1E1 in Patta No.651 of Keezha Poongudi Village, Sivagangai Taluk and District under Rule 38-C of the Tamil Nadu Minor Minerals Concession Rules, 1959.

2. The petitioner would among other things aver that he is running a sand stockyard at S.No.236/1E1 in Patta No.651 of Keezha Poongudi Village, Sivagangai Taluk and District, by obtaining proper license from the first respondent. The petitioner has been stocking river sand in the stockyard and carrying out second sales of the same as per the license issued and renewed by the first respondent vide Na.Ka.M2/611/2015, dated 08.12.2015 for a period of one year



starting from 09.12.2015 to 08.12.2016 under Rule 38 C of the Tamil Nadu minor Mineral Concession Rules, 1959. As per the license given, the petitioner had stocked the river sand in the premises and carrying out second sales from there. During the permitted period, he had stocked the allowed capacity and still as on 08.12.2016, the total closing stock at the yard is checked to be 12,972 units, which is unsold as of now. The petitioner has also adduced proper records for the purchase of the same and also intimated the closing balance to the second respondent. The petitioner has obtained the license renewed for a year till 08.02.2016 and in order to continue the same for the next succeeding year, the petitioner had made a representation to the first respondent as early as on 19.10.2016 and had paid the requisite fees of Rs.5,000/-, on 14.10.2016.

3. The learned counsel for the petitioner would submit that as far as the second stockyard is concerned, the Government has a policy decision that there is no license given for the second sand stockyard and the Government had decided to run the quarry and therefore, this petition has been rejected as far as the stock is concerned and after verification, the petitioner had found that the stock of 1700 unit of sand is in the stockyard. In this regard, the petitioner had given a representation to the respondents and the stock verification had taken place on 22.06.2017 and it has been recorded that there is only 1740 units of sand in his godown.

4. The proceedings dated 22.06.2017 produced by the learned Government Advocate would show that the inspection has been done and the stock verification had taken place and found 1740 units of sand is lying in the godown of the petitioner.

5. This Court is of the view that though the prayer sought for by the petitioner for renewal of license could not be granted as per the policy decision of the Government that there is no provision, the learned counsel for the petitioner submits that it is suffice to direct the first respondent to issue permit for disposal of 1740 units of sand which is currently stored in the stockyard. Accordingly, this Court, without advertting to the merits of the case, directs the petitioner to give a fresh representation for sale of the sand which had already been verified by the respondents and the first respondent is directed to dispose of the fresh representation of the petitioner for issuance of permit for disposal of the above sand within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (T&P)

/True Copy/



To

1. The District Collector,
Sivagangai District,
Sivagangai.

2. The Deputy Director,
Department of Geology and Mining,
Sivagangai District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 62029

AKV

TE/SV-MMS/SAR-I : 30/06/2017 : 3P/4C

W.P. (MD) No.10463 of 2017
22.06.2017