



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2017

CORAM:

THE HONOURABLE MS.JUSTICE **J.NISHA BANU**

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W.P(MD)No.11305 of 2017

and

W.M.P(MD)No.8690 of 2017

S.Muthusamy

... Petitioner

Vs.

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

2.The Assistant Director of Mines,
Theni District, Theni.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents herein to grant the earth quarry lease to the petitioner to carry on the earth quarry operations in the land in S.No.325/7 to an extent of 1.09.5 Hectares as well as Patta No.2045 in S.No.326/1 to an extent of 0.79.5 situated at Pottipuram Village, Uthamapalayam Taluk, Theni District on the basis of the petitioner's representation dated 23.05.2017 and consequently direct the respondents herein to issue the transport permit to the petitioner.

For Petitioner : Mr.M.Venkatesan

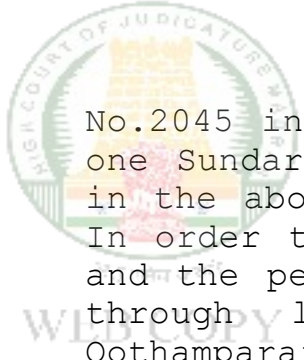
For Respondents : Mr.T.R.Janarthanan

Additional Government Pleader

O R D E R

The writ petition has been filed for issuance of a writ of Mandamus directing the respondents to grant the earth quarry lease to the petitioner to carry on the earth quarry operations in the land in S.No.325/7 to an extent of 1.09.5 Hectares as well as Patta No.2045 in S.No.326/1 to an extent of 0.79.5 situated at Pottipuram Village, Uthamapalayam Taluk, Theni District on the basis of the petitioner's representation dated 23.05.2017 and consequently direct the respondents herein to issue the transport permit to the petitioner.

2. The petitioner would among other things aver that the land in Patta No.571 in S.No.325/7 to an extent of 1.09.5 hectares situated at Pottipuram Village, Uthamapalayam Taluk, Theni District belongs to Oothamparai and Kalirajan. Similarly, Patta



No.2045 in S.No.326/1 to an extent of 0.79.5 hectares belongs to one Sundarapandian and they are not able to make any cultivation in the above said land because the land is covered by wind sand. In order to remove the wind sand, they approached the petitioner and the petitioner also accepted to remove the surface wind sand through lorries. Therefore, the petitioner and the said Oothamparai, Kalirajan and Sundarapandian entered the consent deed with regard to S.No.325/7 to an extent of 1.09.5 hectares and Patta No.2045 in S.No.326/1 to an extent of 0.79.5 hectares. Thereafter, the petitioner, vide his application dated 14.05.2012, approached the first respondent for grant of earth quarry license. After receiving his application, the first respondent directed the petitioner to get environmental clearance from the State Level Environment Impact Assessment Authority. Based on that, the petitioner has obtained the environmental clearance on 19.02.2016 and also obtained necessary consent to run the earth quarry from the Tamil Nadu Pollution Control Board, on 19.02.2016.

3. The petitioner further states that the Tamil Nadu Pollution Control Board has issued two certificates more fully ie., air and water and Radious report also obtained. After obtaining all the necessary certificates, the first respondent directed the petitioner to deposit a sum of Rs.5,000/- towards security deposit to run the said earth quarry lease and the same was also deposited on 02.05.2016 and also paid the area assessment fee of Rs.600/- as per the direction of the first respondent. After complying all the requirements, till date the petitioner has not granted the said lease. Hence, the petitioner has come forward to file this writ petition.

4. When the matter is taken up for hearing today, the learned counsel appearing for the petitioner would submit that it is suffice to direct the respondents to consider the petitioner's representation, dated 23.05.2017 within a time frame.

5. The learned Additional Government Pleader appearing for the respondents would submit that they are prepared to dispose of the representation.

6. Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader.

7. Considering the submissions made by the learned counsel for the petitioner as well as the learned Additional Government Pleader, this Court, without advertting to the merits of the case, directs the first respondent to consider the representation of the petitioner, dated 23.05.2017 and pass orders in accordance with law, taking into consideration the certificates obtained from the competent authorities, within a period of four weeks from the date of receipt of a copy of this order.



8. With the above direction, the writ petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

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

2. The Assistant Director of Mines,
Theni District, Theni.

+2cc to M/S.M.Venkatesan, Advocate SR.No. 62261, 62494
+1cc to Special Government Pleader, SR.No. 62732

W.P (MD) No. 11305 of 2017
28.06.2017

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