



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No. 12800 of 2017

and

W.M.P (MD) No.9901 of 2017

M.Vikraman

.. Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Assistant Director,
(Geology and Mines) Department,
Theni 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 1st respondent to issue the permit to the petitioner for quarrying the wind sand from the Patta land to an extent of 0.66.50 Hectares in S.No. 217/1-A in Pottipuram Village, Uthamapalayam Taluk, Theni District based on the petitioner's representation dated 07.07.2017.

For Petitioner	: Mr.P.Muthuvijayapandian
For Respondents	: Mr.J.Gunaseelan Muthiah, Government Pleader

ORDER

This writ petition has been filed by the petitioner, seeking a writ of Mandamus, to direct the first respondent to issue permit for quarrying the wind sand, based on his representation dated 07.07.2017.

2.The case of the petitioner is that he owns certain lands, measuring an extent of 0.66.50 Hectares in S.No.217/1-A in Pottipuram Village, Uthamapalayam Taluk, Theni District and he sought for permission from the first respondent herein to remove the wind sand accumulated in his land. For the same, he submitted an application on 25.08.2014, before the first respondent, wherein, the first respondent granted tentative approval to the



petitioner for quarrying, subject to the production of required documents from the authorities concerned. Pursuant to the same, the petitioner approached the authorities concerned and after obtaining all the required certificates, he again approached the first respondent seeking issuance of permit for removing wind sand. In this regard, he submitted a representation dated 07.07.2017, before the first respondent, which is said to be pending, whereas, in similar circumstances, by order dated 24.08.2017, the respondents have granted permission to one Prabhu, to remove the wind sand in his land. Under such circumstances, the denial/silence by the authorities, so far as the petitioner's case is concerned cannot be countenanced and hence, the petitioner is before this Court.

3. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

4. In the earlier round of litigation, this Court, by order dated 27.07.2017, directed the Assistant Director (Geology and Mines) Department, Theni District to appear before this Court. Pursuant to the same, the Assistant Director (Geology and Mines) appeared today, who in turn submitted that the application of the petitioner in the given facts and circumstances would be considered on merits and necessary orders will be passed within the time stipulated by this Court.

5. Recording such statement, this writ petition is disposed of, with a direction to the respondents to consider the representation of the petitioner dated 07.07.2017, in view of the certificates enclosed along with his application and pass appropriate orders, on its own merit and also in line with the order dated 24.08.2017 granting permission to a third party, after affording due opportunity of hearing to the petitioner, within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub-Assistant Registrar

To

1. The District Collector, Theni District, Theni.

2. The Assistant Director,

(Geology and Mines) Department, Theni District.

+One cc to The Special Government Pleader, SR.No.78336

+One cc to Mr.P.Muthu Vijaya Pandian, Advocate, SR.No.30413

gk

RL/5C/2P/SV/MMS/SAR1/15/9/2017