



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD) No.15528 of 2017 and
W.M.P.(MD) No.12279 of 2017

S.Dhas

... Petitioner

-vs-

1. The District Collector,
Kanyakumari District,
Kanyakumari.

2. The Assistant Director,
Geology and Mining,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to issue transport permit to the petitioner for transporting quarried materials from patta land in S.F.No.480/2(P) over an extent of 1.00.0 Ha in Mecode Village at Kalkulam Taluk in Kanyakumari District and pass such further.

For Petitioner : Mr.K.Samidurai

For Respondents : Mr.S.Kumar
Addl. Govt. Pleader
*****O R D E R

This writ petition has been filed, seeking a direction to the respondents to issue transport permit to the petitioner for transporting quarried materials from patta land in S.F.No.480/2(P) over an extent of 1.00.0 Ha in Mecode Village at Kalkulam Taluk in Kanyakumari District.

2. The case of the petitioner is that the patta land in question belongs to one Kumaresan, who had been granted license on 02.12.2010 for quarrying rough stone/jelly for a period of five years and he had also obtained necessary clearance from the Hill Area Conservation Authority (HACA) in the year 2009 itself. While <https://hcservices.courts.gov.in/hcservices/> his ill-health, he had executed a lease agreement dated 31.12.2013 in respect of his patta land in favour of the petitioner. The grievance of the petitioner is that now, the 2nd



respondent refused to issue transport permit slip to the petitioner on the ground that the petitioner had not obtained clearance from HACA. When the 1st respondent had granted lease on the basis of the clearance given by HACA in the year 2009 itself, the insistence of the 2nd respondent in obtaining such clearance once again is not warranted. Though the petitioner has submitted a representation dated 02.08.2017 to the first respondent for issuance of transport permit, no order to that effect has been passed. Hence, the petitioner is before this Court with the above prayer.

3. The learned Additional Government Pleader would submit that if a reasonable time is granted to the respondents, the representation of the petitioner will be considered and suitable orders passed.

4. In view of the above submission, this Court, without going into the merits of the matter, directs the respondents, preferably the first respondent to consider the representation of the petitioner dated 02.08.2017 and pass appropriate orders thereon on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner.

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

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar.

To:

1. The District Collector, Kanyakumari District,
Kanyakumari.

2. The Assistant Director, Geology and Mining, Kanyakumari District.

+1CC to Mr.K.Samidurai, Advocate, SR.No. 75196

+1CC to the Special Government Pleader SR.No. 75357

W.P(MD) No.15528 of 2017
29.08.2017

ar/rm

AM/SKN RSK/SAR 1/06.09.2017/2P/5C