

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 21.09.2017

CORAM

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THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P. (MD) No.17872 of 2017andW.M.P (MD) No.14390 of 2017

Arun Vargheesh

... Petitioner

Vs.

1.The Chairman,
Standing Committee of National Board of Wild Life,
Indian Paryavaran Bhavan,
Jarbagh Road,
New Delhi - 3.

2.The District Collector,
Kanyakumari District,
Kanyakumari.

... Respondents

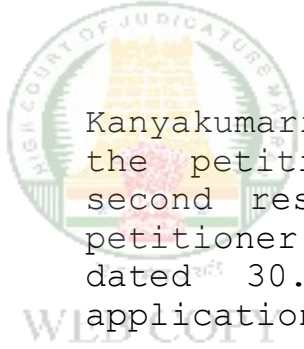
PRAYER:Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to grant clearance for operation of rough stone quarry in S.F.No.490/2B(P) Mecode Village, Kalkulam Taluk, Kanyakumari District by considering the application preferred by the petitioner dated 17.12.2015 taken on file of the 1st respondent within that may be period stipulated by this Hon'ble Court and consequently forbear the 2nd respondent from taking any coercive action against the petitioner in furtherance of his proceedings in R.C.No.178/G&M/2017 dated 30.08.2017 pending disposal of the above clearance application by the 1st respondent.

For Petitioner : Mr.M.Ajmal Khan, Senior Counsel

For Respondents : Mr.K.Sundaram,
Standing Counsel for R.1
Mr.J.Gunaseelan Muthiah,
Government Advocate for R.2

ORDER

This writ petition has been filed, seeking a direction to the first respondent to grant clearance for operation of rough stone quarry in S.F.No.490/2B(P) Mecode Village, Kalkulam Taluk,



Kanyakumari District by considering the application preferred by the petitioner dated 17.12.2015 and consequently forbear the second respondent from taking any coercive action against the petitioner in furtherance of his proceedings in RC.No.178/G&M/2017 dated 30.08.2017 pending disposal of the above clearance application by the first respondent.

2. Heard the learned counsel for the parties.

3. The case of the petitioner is that he engaged in the business of quarrying rough stone and the second respondent had issued a notice dated 30.08.2017, mandating production of NOC from the Wild Life Board. Though the petitioner had already applied for NOC before the first respondent as early as 17.12.2015, it has been kept pending without any progress. The second respondent also threatened of taking coercive action against the petitioner, if the clearance from the first respondent is not obtained. Aggrieved by the action of the respondents, the petitioner is before this Court with the above prayer.

4. The learned Standing Counsel would submit that if a reasonable time is granted to the first respondent, the application of the petitioner will be considered and suitable orders passed.

5. In view of the above submission, this Court directs the first respondent to consider the application dated 17.12.2015 filed by the petitioner for clearance and dispose of the same on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner. However, it is made clear that till such time, the second respondent shall not take any coercive steps against the petitioner, as proposed under notice dated 30.08.2017.

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

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

1.The Chairman,
Standing Committee of National Board of Wild Life,
Indira Gandhi Prasthiti Bhavan,
Jarbagh Road,
New Delhi - 3.



2.The District Collector,
Kanyakumari District,
Kanyakumari.

+1cc to M/S.AJMAL ASSOCIATES, Advocate SR.No.80102
+1cc to Special Government Pleader, SR.No. 81106

gk
MAS/SKN-RSK/SAR1:11.10.2017:3P-5C

W.P. (MD) No.17872 of 2017
21.09.2017 (3/3)