



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

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W.P(MD) Nos.18076 & 18077 of 2017

and

W.M.P. (MD) Nos.14530 & 14531 of 2017

A.Anikumar

... Petitioner in
WP(MD) No.18076 of 2017

Thavasumani

... Petitioner in
WP(MD) No.18077 of 2017

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
in both WPs

Prayer in WP(MD) No.18076 of 2017: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to grant clearance for operation of rough stone quarry in SF.No.722/1B & 722/2 in Mecode Village, Kalkulam Taluk, Kanyakumari District by considering the application preferred by the petitioner dated 24.10.2015 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 RC.No.178/G&M/2017 dated 05.09.2017 pending disposal of the above clearance application by the 1st respondent.

Prayer in WP(MD) No.18077 of 2017: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to grant clearance for operation of rough stone quarry in SF.No.165(P) in Kalkulam Village, Kalkulam Taluk, Kanyakumari District by considering the application preferred by the petitioner dated 15.02.2017 taken on file of the 1st respondent as proposal RC.No.293/G&M/2014 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 RC.No.178/G&M/2017 dated 30.08.2017 pending disposal of the above clearance application by the 1st respondent.



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For Petitioners : Mr.M.Mahaboob Athiff
For M/s.Ajmal Associates
For R1 : Mrs.Srimathi,
Standing Counsel
For R2 : Mr.M.Alagathevan,
Spl. Govt. Pleader

ORDER

These writ petitions have been filed, seeking a direction to the 1st respondent to grant NOC for operation of rough stone quarry in SF.No.722/1B & 722/2 in Mecode Village and SF.No.165(P) in Kalkulam Village, Kalkulam Taluk, Kanyakumari District by considering the applications preferred by the petitioners dated 24.10.2015 and 15.02.2017 and consequently forbear the 2nd respondent from taking any coercive action against the petitioner in furtherance of his proceedings in RC.No.178/G&M/2017 dated 05.09.2017 and 30.08.2017 pending disposal of the above clearance application by the 1st respondent.

2. Heard the learned counsel for the parties.

3. The case of the petitioners are that they engaged in the business of quarrying rough stone and the 2nd respondent had issued a notice dated 05.09.2017 and 30.08.2017, mandating production of NOC from the Wild Life Board. Though the petitioners had already applied for NOC before the 1st respondent as early as 24.10.2015 and 15.02.2017, but the same kept pending without any progress. The 2nd respondent also threatened of taking coercive action against the petitioners, if the NOC from the 1st respondent is not obtained. Aggrieved by the action of the respondents, the petitioners are before this Court with the above prayer.

4. The learned Standing Counsel for R1 would submit that if a reasonable time is granted to the 1st respondent, the application of the petitioners 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 24.10.2015 and 15.02.2017 filed by the petitioners for NOC 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 petitioners. However, it is made clear that till such time, the 2nd respondent shall not take any coercive steps against the petitioners, as proposed under notice dated 05.09.2017 and 30.08.2017.



6. With the above direction, these petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To:

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.

+2cc to M/s.Ajmal Associates, Sr.No.80436,80437
+2cc to Mrs.Srimathi, Advocate Sr.No.80534,80535
+1cc to Spl.Government Pleader Sr.No.81194

RM

VB/KK/SAR4/11/10/2017/3P/8C

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