

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

DATED : 31.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.19373 of 2017**and****W.M.P (MD) No.15699 of 2017**

M.Radhakrishnan

... 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.

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

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to grant clearance for operation of rough stone quarry in SF. No.493/1A2, 1A3 & 1D in Mecode Village, Kalkulam Taluk, Kanyakumari District by considering the application preferred by the petitioner dated 03.10.2015 taken on file of the first respondent within the time period stipulated by this Court 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 before the first respondent.

For Petitioner : Mr.R.J.Karthick

For Respondent No.1 : Mr.P.Paul Pandi

For Respondents 2 and 3: Mr.T.S.Mohammed Mohideen,
Additional Government Pleader.

**ORDER**

This writ petition has been filed, seeking a direction to the first respondent to grant clearance for operation of rough stone quarry in 493/1A2, 1A3 & 1D in Mecode Village, Kalkulam Taluk, Kanyakumari District by considering the application preferred by the petitioner dated 03.10.2015 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 on 03.10.2015, 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 1 and 2, the petitioner is before this Court with the above prayer.

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

5.In view of the above submission, this Court directs the first respondent to consider the application dated 03.10.2015 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 writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl Side)

/True Copy/



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.

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

+1cc to M/S.R.J.KARTHICK, Advocate SR.No.84414.
+1cc to M/S.P.PAUL PANDI, Advocate SR.No.84394.
+1cc to Special Government Pleader, SR.No. 84835.

ORDER MADE IN
W.P (MD) No.19373 of 2017
and
W.M.P (MD) No.15699 of 2017
31.10.2017

smn

SDS/RSK/SAR 2/01.11.2017/3P/7C