



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD) No.22015 of 2017 and
W.M.P.(MD) No.18319 of 2017

M/s.Pandiyan Textiles Mills (P) Ltd.,
WF HTSC No.932,
S.F.No.475/2E, Irukkandurai Village,
Radhapuram Taluk,
Tirunelveli District,
Rep. by its Personnel Manager,
S.Kuppusamy

... Petitioner

-vs-

1. The District Collector,
Collectorate,
Near Science Centre, Kokirakulam,
Tirunelveli-627 009.

2. The Assistant Director-Mines,
Collector's Office, Tirunelveli Collectorate,
Kokirakulam, Tirunelveli-627 009.

3. Mr.A.Ramanujam

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the 1st and 2nd Respondents from permitting stone quarry and stone crushing operations in S.F.Nos.447 and 478 with additional Sub Divisions, which is located at a distance of less than 50 meters from the Petitioners WEG bearing WF HTSC No.932, situated at S.F.No.475/2E, Irukkandurai Village, Radhapuram Taluk, Tirunelveli, as provided under Rule 36(1)(A) and Rule 36(5)(c) of the Tamil Nadu Minor Mineral Concession Rules 1959 and without following the principles of natural justice by granting an opportunity to the petitioner of being heard.

For Petitioner : Mr.R.S.Pandiyaraj
For R1 & R2 : Mr.J.Gunaseelan Muthiah
Govt. Advocate

O R D E R

This petition has been filed, seeking to forbear the respondents 1 & 2 from permitting stone quarry and stone crushing operations in S.F.Nos.447 and 478 with additional Sub Divisions, which is located at a distance of less than 50 meters from the



petitioner's WEG, bearing WF HTSC No.932, situated at S.F.No.475/2E, Irukkandurai Village, Radhapuram Taluk, Tirunelveli, as provided under Rule 36(1)(A) and Rule 36(5)(c) of the Tamil Nadu Minor Mineral Concession Rules 1959 and without following the principles of natural justice by granting an opportunity to the petitioner of being heard.

2. Mr.J.Gunaseelan Muthiah, the learned Government Advocate takes notice for R1 & R2. Notice to R3 is dispensed with, as no adverse order is going to be passed in this petition against R3. By consent, the writ petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner-company (in short "the Company") is that it had put up a Wind Energy Generator (WEG) for the purpose of generation of electricity for its captive use and the energy so generated is fed into TANGEDCO's grid for wheeling and use of the Company on payment of necessary charges. While so, the 4th respondent has made an application to the respondents 1 & 2 for grant of licence to commence stone quarry operations and the petitioner-company objected to it, by submitting a representation dated 31.10.2017 to the respondents 1 & 2, as the petitioner-company's WEG is situated at a distance of less than 50 metres from the proposed quarry. Since there was no response on the said representation, the petitioner is before this Court with the above prayer.

4. The learned Government Advocate appearing for the respondents 1 & 2 would submit that if a reasonable time is granted to the respondents 1 & 2, the representation of the petitioner will be considered and appropriate orders be passed.

5. Considering the facts and circumstances of the case and also taking into account the limited scope of the relief sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the respondents 1 & 2 to consider the representation of the petitioner dated 31.10.2017 and pass suitable orders thereon on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner, R3 and other interested parties, if any.

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

Sd/-

Assistant Registrar(CS-I)



To:

1. The District Collector,
Collectorate,
Near Science Centre,
Kokirakulam,
Tirunelveli-627 009.

2. The Assistant Director-Mines,
Collector's Office,
Tirunelveli Collectorate,
Kokirakulam,
Tirunelveli-627 009.

+1cc to Special Government Pleader, SR.No. 90568

+1cc to M/S.R.S.Pandiyaraj, Advocate SR.No. 90129

W.P (MD) No.22015 of 2017
29.11.2017

ar

JM/MR KKR/SAR 1/19.12.2017/3P/5C