



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD)No.4795 of 2017andW.M.P(MD)No.3830 of 2017

R.Ramasamy

... Petitioner

Vs.

1.The District Collector,
Theni District, Theni.

2.The Assistant Director (Mines),
Office of the District Collector,
Collectorate, Theni.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from in any way preventing the petitioner herein from conducting the sand-dust mining operation in S.No.233/1A measuring 0.44.35 hec., S.No.233/2 measuring 1.57.35 hec., S.No.234/1 measuring 0.69.0 hec., S.No.234/2 measuring 0.33.5 hec., S.No.234/3 measuring 0.15.0 hec., S.No.234/4 measuring 0.27.5 hec., in all 3.46.7 hecs., situated in Pottipuram Village, Uthamapalayam Taluk, Theni District, as per the proceedings of the first respondent in Na.Ka.No.20/Mines/2014 dated 07.05.2015 and lease agreement dated 14.05.2015 executed by first respondent in favour of the petitioner and consequently direct the respondents herein to permit the petitioner to continue the quarry operation of sand-dust for non-operation period of 420 days as on the date of filing of writ petition.

For Petitioner

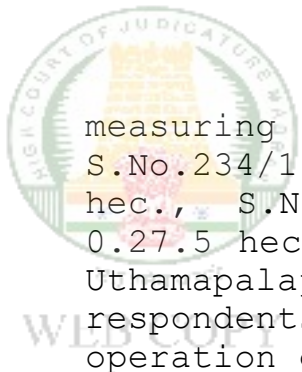
: Mr.Veera Kathiravan,
Senior Counsel
for M/s. Veera Associates

For Respondents

: Mr.S.Kumar,
Additional Government Pleader

O R D E R

<https://hcservices.courts.gov.in/hcservices> The petition has been filed to issue a Writ of Mandamus to forbear the respondents from preventing the petitioner from conducting the sand-dust transport operations in S.No.233/1A



measuring 0.44.35 hec., S.No.233/2 measuring 1.57.35 hec., S.No.234/1 measuring 0.69.0 hec., S.No.234/2 measuring 0.33.5 hec., S.No.234/3 measuring 0.15.0 hec., S.No.234/4 measuring 0.27.5 hec., in all 3.46.7 hecs., situated in Pottipuram Village, Uthamapalayam Taluk, Theni District and consequently direct the respondents to permit the petitioner to continue the quarry operation of sand-dust for the non-operation period of 420 days.

2. The case of the petitioner is that the petitioner has been granted two years lease for quarrying sand dust from the aforesaid patta lands by the proceedings of the first respondent in Na.Ka.No.20/Mines/2014 dated 07.05.2015 and the lease agreement was executed on 14.05.2015. While so, the petitioner was deprived of, by not issuing the transport permit from 27.01.2016 and for the past 420 days, the petitioner has not been given transport permit, even after repeated requests made by him.

3. Heard the learned Senior Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

4. When the matter is taken up for hearing, it has been reported by the learned Senior counsel as well as the learned Additional Government Pleader that subsequent to the interim order passed by this Court in W.M.P(MD)No.3829 of 2017 in W.P(MD)No.4795 of 2017, dated 28.03.2017, transport permits have been issued to the petitioner and he is now permitted to have the transportation of sand dust.

5. Recording such statement and considering the facts and circumstances of the case, this Court directs the respondents to consider the claim of the petitioner, with regard to the non-operation period of 420 days and pass appropriate orders, on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistance Registrar(T&P)

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector, Theni District, Theni.

2.The Assistant Director (Mines),

Office of the District Collector, Collectorate, Theni.

+One cc to Mr.Veera Associates, Advocate, SR.No.68864

+One cc to The Special Government Pleader, SR.No.69745

gk

<https://hcservices.court.gov.in/MSR/SAR1/3/8/2017>

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W.M.P(MD)No.3830 of 2017

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