



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :24.04.2017

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD) No.6915 of 2017

and

W.M.P. (MD) .No.5461 of 2017

G.Jeyaraj

... Petitioner

Vs.

1.The District collector,
Theni District, Theni.

2.The Assistant Director (Geology and Mines),
Department,
Theni District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus directing the respondents to issue the trip sheets to the petitioner's quarrying the wind sand from the land measuring 1.28.0 Hectares in S.No.191/2A and measuring 2.04.5 Hectares in S.No.191/2F total measuring 2.04.5 Hectares in Rasingapuram Village in Bodinayakkanur Taluk in Theni District as per the permit issued by the 1st respondent vide his proceeding in Na.Ka.No.222/Kanimam/2015 dated 19.01.2016.

For Petitioner : Mr.R.Suriyanarayanan
For Respondents : Mr.K.P.Krishnakumar
Government Advocate

ORDER

This writ petition has been filed praying for the issuance of a writ of Mandamus directing the respondents to issue the trip sheets to the petitioners quarrying the wind sand from the land measuring 1.28.0 Hectares in S.No.191/2A and measuring 2.04.5 Hectares in S.No.191/2F total measuring 2.04.5 Hectares in Rasingapuram Village in Bodinayakkanur Taluk in Theni District as per the permit issued by the 1st respondent vide his proceeding in



Na.Ka.No.222/Kanimam/2015 dated 19.01.2016.

2. By consent, this writ petition is taken up for final disposal.

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3. The petitioner would aver among other things that on 16.09.2015, the petitioner made an application before the first respondent to remove the wind sand comprised in the survey number referred to in the writ petition at Rasingapuram Village, Bodinayakanoor Taluk, Theni District. According to the petitioner, if the wind land is not removed, the lands of the petitioner will become unfit for cultivation.

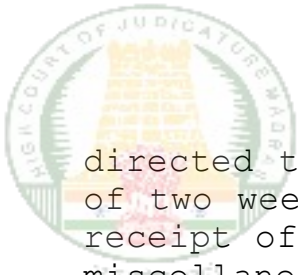
4. The case of the petitioner is that while applying for permission for removal of wind sand, he had complied with all the formalities as provided under the Act. The petitioner also submits that he has paid seniorage fee and agreed to pay the fee for every trip of sand. It is the further case of the petitioner that the respondents refused to issue the trip sheet on the ground that the local people objected in granting license to him and therefore, the trip sheet was not given to the petitioner. In this regard, the petitioner has given written representation dated 30.03.2017, but, the respondents have not taken any positive progress based on the compliant given by the petitioner. Therefore, the petitioner has come forward with the present writ petition.

5. When this writ petition was listed on 17.04.2017, the matter was adjourned to 24.04.2017 at the request of the respondents for getting instructions. On 24.04.2017, the learned Government Advocate appearing for the respondents, on instruction, would state that the petitioner has not produced environmental clearance Certificate from the Tamil Nadu Pollution Control Board as required under the Act.

6. However, during the course of the hearing, the petitioner produced environmental clearance certificate obtained from the Tamil Nadu Pollution Control Board. Therefore, the only objection raised by the respondents is that the petitioner did not obtain environmental clearance certificate and therefore, the trip sheet was not issued to the petitioner, is not correct as he has obtained clearance from the Tamil Nadu Pollution Control Board as required under the Act, apart from all the other Certificates. Only after complying with all the conditions of the Tamil Nadu Minor Mineral Concession Rules, 1959, permission has been granted and therefore, the reasons stated by the respondents for not granting trip sheet cannot be countenanced in the eye of law.

<https://hcservices.ecourts.gov.in/hcservices/>

7. In the light of the above discussion, this writ petition is allowed and consequently, the first respondent is



directed to give the trip sheet to the petitioner within a period of two weeks from the date of receipt of a copy of this order on receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar (T&P)

/True Copy/

Sub Assistant Registrar

To

- 1.The District collector,
Theni District, Theni.
- 2.The Assistant Director (Geology and Mines),
Department,
Theni District.

+ 1 CC TO Mr.R.SURIYANARAYANAN, ADVOCATE IN SR No. 55786
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 53953

SSM

TE/SV/SAR-IV : 04/05/2017 : 3P/5C

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24.04.2017