



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :27.04.2017

WEB COPY

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD) No.7464 of 2017

and

W.M.P. (MD) .Nos.5844 and 5845 of 2017

M.Sivanesan

... Petitioner

Vs.

1.The District Collector,
Theni District, Theni.

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

... 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 comply with lease agreement dated 19.01.2015 and permit the petitioner to quarry and carry away (transport) the Sand Dust for the remaining lease period of two years and 19 days in S.No.111/3 and 111/4 (total 2.51.0 ha) in Rasingapuram Village, Bodinaickanur Taluk, Theni District within a time limit.

For Petitioner : Mr.T.Sakthikumaran
For Respondents : Mr.G.Muthukannan
Government Advocate

ORDER

This writ petition has been filed praying for the issuance of a Writ of Mandamus to direct the respondents to comply with the lease agreement dated 19.01.2015 and permit the petitioner to quarry and carry away (transport) the Sand Dust for the remaining lease period of two years and 19 days in S.No.111/3 and 111/4 (total 2.51.0 ha) in Rasingapuram Village, Bodinaickanur Taluk, Theni District.

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



3. The case of the petitioner is that the petitioner has obtained lease from the land owner in the survey number referred to in the writ petition in Rasinagapuram vilalge, Bodinaickanur Taluk, Theni District for removal of sand dust after obtaining due permission from the competent authority and in accordance with the provisions of the Tamil Nadu Minor Mineral Concession Rules, 1959. Necessary certificates from the State Level Environmental Impact Assessment Authority, the Pollution Control Board and other Clearance Certificates have also been issued to the petitioner. Accordingly, lease agreement was executed between the first respondent and the petitioner for quarrying and carrying away sand dust for a period of three years from 19.01.2015 to 18.01.2018.

4. While so, all of a sudden, the second respondent did not issue pass to carry away sand dust from 30.12.2015 for the reasons best known to them despite producing all the relevant documents to the respondents. Hence, the petitioner made a representation on 12.04.2017 requesting the respondents to issue pass for quarry and transport of sand dust. However, the same has not been considered till date and hence, the petitioner is before this Court.

5. When the matter is taken up for hearing, learned counsel appearing for the second respondent / Assistant Director (Mines), Theni was present before this Court and stated that if the requisite fee due to the government is paid, they are ready to issue the transport permit to the petitioner. The said submission is recorded.

6. To the aforesaid submission, learned counsel for the petitioner would submit that he is ready to pay the requisite fee as required under the Act before the respondents. The said submission is also recorded.

7. In the light of the afore-said submission, the petitioner is directed to pay the requisite fee due to the government within a period of two weeks from the date of receipt of a copy of this order. On payment of the same, the respondents are directed to issue transport permit to the petitioner, on merits and in accordance with law, within a period of two weeks, thereafter.

8. With the above direction, this writ petition stands disposed of. No costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)



To

1.The District collector,
Theni District, Theni.

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

+1CC to M/S.T.Sakthi Kumaran, Advocate, SR.No. 54500

W.P(MD)No.7464 of 2017
27.04.2017

ssm

KK/SKN RSK/SAR 4/28.04.2017/2P/4C