



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2017

WEB COPY

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.8000 of 2017

and

W.M.P. (MD).No.6181 of 2017

R.Murugan

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Theni District, Theni.

2.The Assistant Director of Mines,
Theni District, 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 herein to grant the earth quarry lease to carry on the earth quarry operations in petitioner property comprised in Survey No.120/2C situated at Silamalai Village, Bodinaickanoor Taluk, Theni District on the basis of petitioner's application dated 01.10.2013 and consequently to direct the respondents herein to issue the transport permit to the petitioner.

For Petitioner : Mr.C.Jeganathan

For Respondents : Mr.T.R.Janardhanam
Government Advocate

ORDER

This writ petition has been filed praying for the issuance of a Writ of Mandamus to direct respondents herein to grant the earth quarry lease to carry on the earth quarry operations in the petitioner's property comprised in Survey No.120/2C situated at Silamalai Village, Bodinaickanoor Taluk, Theni District on the



basis of petitioner's application dated 01.10.2013 and consequently to direct the respondents herein to issue the transport permit to the petitioner.

WEB COPY

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

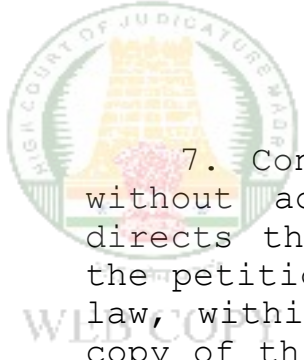
3. The petitioner has applied for granting earth quarry license to the first respondent through his application dated 01.10.2013 for a period of three years. It is alleged that the said application was kept pending by the respondents, without any progress whatsoever, for a period of two years. Subsequently, on 15.07.2015, the first respondent has accepted the application of the petitioner and directed him to get environmental clearance from the State Level Environment Impact Assessment Authority and accordingly, on the basis of the said proceedings of the first respondent, the petitioner obtained the environmental clearance from the said State Level Environment Impact Assessment authority on 24.11.2016. He also obtained necessary consent to run the earth quarry from the Tamil Nadu Pollution Control Board vide its proceedings dated 31.01.2017. In the meanwhile, the first respondent through his proceedings dated 06.01.2017 directed the petitioner to obtain 'No Objection Certificate' from the District Forest Officer which was also obtained by the petitioner on 16.02.2017.

3.1. After obtaining all the Certificates, the petitioner produced all the documents before the first respondent and sought for issuance of license. In response to the same, the first respondent directed the petitioner to deposit a sum of Rs.5,000/- towards security deposit and accordingly, the same was also complied on 17.02.2017.

4. The grievance of the petitioner is that despite producing all the certificates, as required under the Act, no final orders have been passed by the respondents and therefore, the petitioner submitted a representation on 19.04.2017 in person followed by a representation through post on 21.04.2017. Since there was no action on the part of the respondents, he has come forward with the present writ petition.

5. Learned counsel for the petitioner would submit that it would be suffice if the representation of the petitioner is disposed of, on merits and in accordance with law, within the time stipulated by this Court.

6. Learned Government Advocate would submit that the representation of the petitioner will be considered within a reasonable time to be fixed by this Court.



7. Considering the limited scope of the matter, this Court, without advertent into the merits of the case or otherwise, directs the first respondent to dispose of the representation of the petitioner, dated 19.04.2017, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. The petitioner is also directed enclose a copy of this order along with the representation already sent to the first respondent, for proper follow up in this regard.

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

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The District collector,
Theni District, Theni.

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

+1cc to M/s Veera Associates, Sr.No.54171
+1cc to Spl.Government Pleader Sr.No.55239

ssm

vb/mr/sar4/03.05.2017/3p/5c

W.P (MD) No.8000 of 2017
26.04.2017