



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **07.07.2017**

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

WEB COPY

W.P(MD)No.338 of 2016

A.Devendran

.. Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Assistant Director,
Department of Geology and Mines,
Pudukkottai.

3.The Thasildhar,
Manamelkudi Taluk,
Pudukkottai District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 21.12.2015 and grant petitioner permission to quarrying sand from survey numbers 76, 77 and 78 Government promboke lands situated in Mumbalai village, Manamelkudi Taluk, Pudukkottai District on payment of necessary charges that may be fixed by the Government.

For Petitioner :Mr.M.Karthikeya Venkitachalapathy

For Respondents : Mr.J.Gunaseelan Muthaiah,
for R1 to R3 Government Advocate.

ORDER

This writ petition has been filed by the petitioner to issue a writ of Mandamus directing the respondents to consider the petitioner's representation dated 21.12.2015 and pass orders to grant permission for quarrying sand from Survey Nos.76, 77 and 78, situated in Mumbalai village, Manamelkudi Taluk, Pudukkottai District.

2.The case of the petitioner is that the petitioner submitted a representation dated 21.12.2015 to the respondents seeking permission to conduct sand quarrying in Survey Nos.76, 77 and 78, situated in Mumbalai Village, Manamelkudi Taluk, Pudukkottai District. Earlier, the petitioner filed a writ



petition in W.P(MD)No.1110 of 2013 before this Court, praying to direct the respondents to stop the illegal mining of sand in the said survey numbers, wherein a Division Bench of this Court, directed the authorities to consider the representation of the petitioner and pass necessary orders on merits and in accordance with law. Pursuant to the order, the officials have taken action for some time and thereafter they have not taken any action. Now, the petitioner is willing to pay necessary charges to the Government for quarrying sand in the said Survey Numbers and he also submitted a representation to the respondents and the same has not been considered so far. Therefore, he is before this Court.

3.Heard both sides.

4.In the earlier round of litigation, the petitioner brought to the notice of this Court the illegal mining of sand from Government lands in Survey Nos.76, 77 and 78 of Mumbalai village, Manamelkudi Taluk, Pudukkottai District. A Division Bench of this Court, after considering the facts and circumstances therein, directed the authorities to take appropriate action, on the basis of the representation made by the petitioner, within a period of twelve weeks. Now, in this writ petition, the petitioner specifically contended that the said illegal mining operations are still going on, despite the direction issued by this Court. Further, the learned counsel for the petitioner specifically submitted that the application submitted by the petitioner for the grant of mining permission has not been considered till date. On the other hand, according to the learned counsel, the authorities are colluding with the illegal mining operations. Hence, he prays for a direction to the respondents to consider his representation dated 21.12.2015 and pass appropriate orders.

5.The learned Government Advocate appearing for the respondents fairly submitted that the representation of the petitioner would be considered on its own merit and in accordance with law.

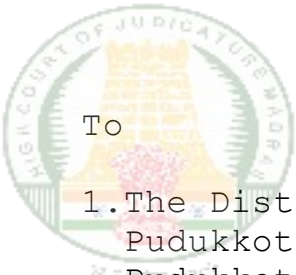
6.Considering the above submissions made on either side, this Court, without going into the merits of the petitioner's claim, directs the first respondent to consider the representation of the petitioner dated 21.12.2015, and pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

7.The writ petition is disposed of as above. No costs.

Sd /-

ASSISTANT REGISTRAR(CS-III)

/TRUE COPY/



To

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Assistant Director,
Department of Geology and Mines,
Pudukkottai.

3.The Thasildhar,
Manamelkudi Taluk,
Pudukkottai District.

+1 CC TO MR.M.KARTHIKEYA VENKITACHALAPATHY, ADVOCATE, SR NO.63916

+1 CC TO THE SPECIAL GOVERNMENT PLEADER SR NO.64457

SMN

MAS/MR-KKR/SAR1:18.07.2017:3P-6C

ORDER MADE IN
W.P (MD) No.338 of 2016
07.07.2017