



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :27.03.2017

WEB COPY

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.8740 of 2016

T. Rathinavel

... Petitioner

Vs.

1.The Commissioner of Geology and Mining,
O/o.the Commissioner of Geology and Mining,
Panagal Building,
Guindy, Chennai 600 032.

2.The District Collector,
Collectrate,
Ramanathapuram District,
Ramanathapuram.

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Paramakudi,
Ramanathapuram District.

4.The Tahsildar,
Taluk Office,
Kadaladi,
Ramanathapuram District.

5.The Assistant Director,
Department of Geology and Mines,
Collectorate Campus,
Ramanathapuram,
Ramanathapuram District.

6.The Executive Engineer,
Public Works Department/WRO,
Kundaru Basin Division,
Tallakulam, Madurai 625 002.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondent District Collector to issue the vehicle permits to transport the savudu from the quarry in patta land in



SFNos.352/2B&352/3 of Maranthai village, Kadaladi Taluk on the representation of the petitioner dated 18.04.2016.

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For Petitioner
For Respondents

: Mr.S.Radhakrishnan
: Mr.R.Aanandaraj
Government Advocate

ORDER

The petitioner would aver among other things that the first respondent was pleased to grant permission for quarrying savudu over an extent of 1.16.0 hectares in patta land in S.F.Nos.352/2B&352/3 of Maranthai village Kadaladi Taluk under Rule 19(1) of Tamil Nadu Minor Minerals Concession 1959 as per the proceedings Na.Ka.1442/G&M2/2013 dated 24.08.2015.

2. The case of the petitioner is that even before permission was granted one Navaneethakrishnan and Subramanian sons of Perumal thevar, Orivayal village Maranthai Post, Kadaladi Taluk objected for granting of quarry licence to the petitioner. Based on the objections, the District Collector rejected the application of the petitioner. Hence the petitioner preferred an appeal before the first respondent. who in turn, set aside the order of the District Collector based on the report submitted by the various authorities and directed the second respondent to consider his application afresh. Thereafter the first respondent granted licence to the petitioner on 24.08.2015. Since the licence was granted to the petitioner, once again, the said Navaneethakrishnan made a complaint to the second respondent and approached this court by way of W.P.(MD)No.19740 of 2015 as "Public Interest Litigation" with frivolous reasons stating that he was quarrying savudu sand beyond the licenced area and this court observed in its order in the writ petition that if there was any breach of condition pointed out by the said P.Navaneethakrishnan, the competent authority was directed to take action against the petitioner. Thereafter the second respondent stopped issuing of transport permits to the petitioner. Therefore, the petitioner give a representation on 18.04.2016 for issuance of transport permit to him. Since there was no response from the respondents, the petitioner came forward with the present writ petition.

3. When the matter was taken up for hearing, it is submitted by the learned Government Advocate that the lease period granted to the petitioner was already expired on 26.10.2015 and therefore, this writ petition has become infructuous.

4. It is an unfortunate case that when even the authorities concerned found that there was no breach of condition, the transport permit was not granted to the petitioner. However, since the lease period was already expired, as rightly pointed out by the learned Government Advocate, the writ petition has become



infructuous. However, the petitioner is set at liberty to give a fresh application for grant of quarry lease to the respondents and if any application is received by the respondents, they are directed to consider the same, on merits and in accordance with law and dispose of the same, as expeditiously as possible.

With the above observations, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub-Assistant Registrar

RMI

To

- 1.The Commissioner of Geology and Mining,
O/o.the Commissioner of Geology and Mining,
Panagal Building, Guindy, Chennai 600 032.
- 2.The District Collector, Collectrate,
Ramanathapuram District, Ramanathapuram.
- 3.The Revenue Divisional Officer, Revenue Divisional Office,
Paramakudi,Ramanathapuram District.
- 4.The Tahsildar, Taluk Office, Kadaladi, Ramanathapuram District.
- 5.The Assistant Director, Department of Geology and Mines,
Collectorate Campus, Ramanathapuram, Ramanathapuram District.
- 6.The Executive Engineer, Public Works Department/WRO,
Kundaru Basin Division, Tallakulam,Madurai 625 002.

1CC TO THE SPL GOVT PLEADER SR: 18894

JM SKN RSK SAR 2

18/04/2017

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27.03.2017