

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 03.12.2018

CORAM :
THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

Writ Petition No.31290 of 2018

M.Tirupathi

...Petitioner

Vs.

1.The District Collector,
Collectorate Road
Krishnagiri District.

2.The Revenue Divisional Officer
Collectorate Road
Krishnagiri District.

3.The Assistant Director
Department of Geology and
Mining, Collectorate Road
Krishnagiri District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, by directing the respondent to dispose of the pending file in Na.ka.No.72/2017/Mines Proceedings dated 30.05.2017 within a stipulated time, without further delay.

For Petitioner : Mr.C.Kanagaraj

For Respondents : Mr. M.Karthikeyan,
Addl. Government Pleader for R1

O R D E R

This writ petition is filed seeking to direct the 1st respondent to dispose of the proceedings in Na.ka.No.72/2017/Mines dated 30.05.2017 within a stipulated time fixed by this Court.

2. The learned counsel for the petitioner submitted that the petitioner made a request for grant of permission for rough stone quarry for 2 acres of land in Survey No.7/1, having a total extent of 7 acres, situated in Katteri Village, Veppalampatty, Uthangari Taluk, Krishnagiri District. Whiles, the District Collector/ 1st respondent herein has granted lease to one P.Govindasamy for rough stone quarry, to an extent of 5 acres of land, in the same survey number. According to the petitioner, without considering the representation of the

petitioner, the first respondent has granted permission to the said P.Govindasamy. The 3rd respondent / Assistant Director has also submitted his report in this regard. Since, no orders have been passed by the first respondent, this writ petition is filed before this Court.

3. The learned Additional Government Pleader appearing for the respondents would submit that the respondents have not disputed the fact that permission for rough stone quarry to an extent of 5 acres in the same survey number has been granted to one P.Govindasamy. The first respondent namely, the District Collector has given advertisement in the newspaper for conduct of public auction in respect of rough sand quarry to an total extent of 7 acres of land situated in Survey No.7/1, situated in Katteri Village, Veppalampatty, Uthangari Taluk, Krishnagiri District. In the said auction, the said P.Govindasamy participated and he was the successful bidder. Based on which lease deed was executed for an extent of 5 acres of land and for the remaining 2 acres none participated in the said auction. Hence, the first respondent is likely to proceed with the public auction for the balance 2 acres of land in the said survey number. At this stage, the present writ petition has been filed by the petitioner before this Court and hence the same is not maintainable. The first respondent/ District Collector is the competent authority to conduct public auction and grant permission. Hence, the petitioner has to participate in the auction for obtaining quarry permission.

4. Considered the submission of the learned counsel for both the parties and perused the material available on records.

5. It is clear that the first respondent is the competent authority to grant lease permission for rough stone quarry, as per the Tamil Nadu Minor Mineral Concession Rules, 1959. Now that the petitioner also agreed to participate in the auction proposed to be conducted for 2 acres of land in Survey No.7/1, situated in Katteri Village, Veppalampatty, Uthangari Taluk, Krishnagiri District by duly publishing in the newspaper.

6. Since the prayer of the petitioner is confined to the above said extent, the first respondent is directed to consider and pass orders on merits and in accordance with law, as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order. No order as to costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

avr

To

1.The District Collector
Collectorate Road
Krishnagiri District.

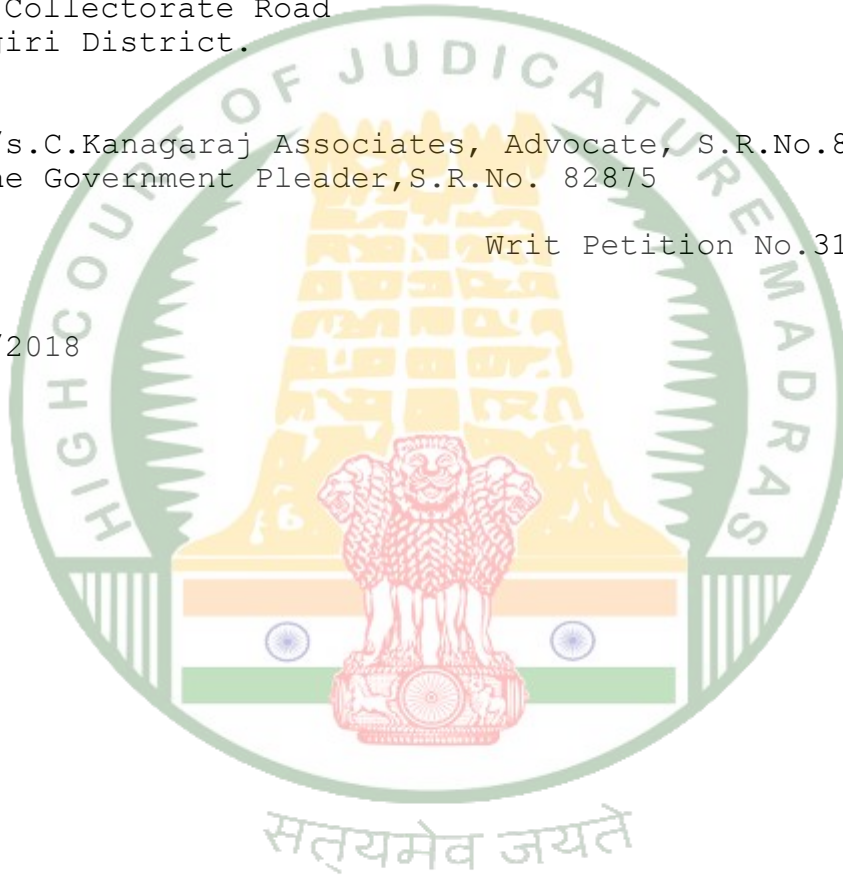
2.The Revenue Divisional Officer
Collectorate Road
Krishnagiri District.

3.The Assistant Director
Department of Geology and
Mining, Collectorate Road
Krishnagiri District.

+1cc to M/s.C.Kanagaraj Associates, Advocate, S.R.No.82549
+1cc to the Government Pleader,S.R.No. 82875

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rrs 11/12/2018



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