



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.8311 of 2018
in
W.M.P.No.7867 of 2018

Mallapuram Sandhanatthurai

Magalir Nalasangam,

Rep. by the Director S.Illanjiyam

... Petitioner

vs.

1. The Deputy Director of Geology and Mining,
O/o.Deputy Directorate of Geology and Mining,
Dindigul District.

2. The Assistant Director of Geology and Mining,
O/o.Assistant Directorate of Geology and Mining,
Dindigul District.

3. The District Collector,
O/o.District Collector,
Dindigul District, Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent 1 to dispose the appeal the preferred by the petitioner under rule 36-C(2) of Tamil Nadu Minor Mineral Concession Rules, 1959 and consequently directing the third respondent to issue license to conduct rough stone quarrying by the petitioner's sangam in survey No.SF.No.1798/part-2 in an extent of 2 hectares in mallapuram Village, Vedasandhur Taluk, Dindigul District.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr. N.Shanmuga Selvam

Additional Government Pleader

O R D E R

Mr. N.Shanmuga Selvam, learned Additional Government Pleader takes notice for the respondents.

<https://hcservices.ecourts.gov.in/hcservices/>

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.



3. It is the grievance of the petitioner is that his representation dated 12.02.2018 to direct the first respondent to dispose the appeal the preference by the petitioner under rule 36-C (2) of Tamil Nadu Minor Mineral Concession Rules, 1959 and consequently directing the third respondent to issue license to conduct rough stone quarrying by the petitioner's sangam in survey No.SF.No.1798/part-2 in an extent of 2 hectares in mallapuram Village, Veda sandhur Taluk, Dindigul District, has not been considered by the respondents till date and therefore, he has filed the present writ petition.

4. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

5. In view of the limited prayer sought for in this writ petition, there shall be a direction to the first respondent to consider the petitioner's representation dated 12.02.2018 on its own merits and take further action in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner as well as to the persons who may be interested in the subject property.

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

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To:

1. The Deputy Director of Geology and Mining,
O/o. Deputy Directorate of Geology and Mining,
Dindigul District.



2. The Assistant Director of Geology and Mining,
O/o.Assistant Directorate of Geology and Mining,
Dindigul District.

3. The District Collector,
O/o.District Collector,
Dindigul District,
Dindigul.

+ 1 CC TO Mr.T.LAJAPATHI ROY, ADVOCATE IN SR No. 61820

AAV

TE/KKR/SAR-2 : 04/05/2018 : 3P/5C

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