



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE **M.S.RAMESH**

W.P.(MD) No.8683 of 2018
and
W.M.P.(MD) No.8145 of 2018

P.Rasathi ... Petitioner
vs.
1.The District Collector
Theni District
2.The Assistant Director of
Geology & Mining Department
Office of the District Collector
Theni District
3.The District Forest Officer
O/o.The District Forest Office
Kodaikanal Zone
Kodaikanal, Dindigul District-624 101 ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to grant licence to the petitioner for quarrying rough stone and gravel in his patta land in Survey Nos.2408/3B1, 2408/3B2, 2408/3B3 & 2408/4, situated in Devathanapatti Village, Periyakulam Taluk, Theni District.

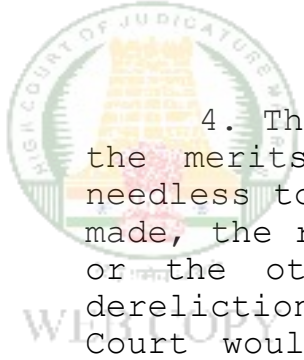
For Petitioner : Mr.Prabhu Rajadurai
for Mr.K.Appadurai
For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

ORDER

Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, takes notice for the respondents.

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 that his application dated 04.04.2016 seeking to grant licence to him for quarrying rough stone and gravel in his patta land in Survey Nos.2408/3B1, 2408/3B2, 2408/3B3 & 2408/4, situated in Devathanapatti Village, Periyakulam Taluk, Theni District, has not been considered by the first respondent 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 application made by the petitioner. It is needless to point out that whenever an application 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 application 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 application dated 04.04.2016 on its own merits and take further action in accordance with law, within a period of six 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 person who may be interested in the subject matter.

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

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To:

1. The District Collector,
Theni District.
2. The Assistant Director of
Geology & Mining Department,
Office of the District Collector,
Theni District.
3. The District Forest Officer,
O/o. The District Forest Office,
Kodaikanal Zone,
Kodaikanal, Dindigul District-624 101.

+1cc to Special Government Pleader, SR.No.62523.

+1cc to Mr.K.Appadurai, Advocate, SR.No.62301.

W.P. (MD) No.8683 of 2018

and

W.M.P. (MD) No.8145 of 2018

19.04.2018