

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 26.04.2018****CORAM:****THE HONOURABLE MR.JUSTICE M.S.RAMESH****W.P. (MD) No. 9653 of 2018**

S.B.Prabakar

... Petitioner

vs.

1. The District Collector,
Ramanathapuram District.

2. The Chairman cum District Collector,
District Level Environment Impact Assessment
Authority,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to place my application dated 21.01.2016 before the second respondent committee and consequently directing the second respondent to grant approval for quarrying lease under Rule -19 of the Tamil Nadu Minor Mineral Concession Rules, 1959 on merits.

For Petitioner : Mr. RM.Arun Swaminathan

For Respondents : Mr. N.Shanmuga Selvam

Additional Government Pleader

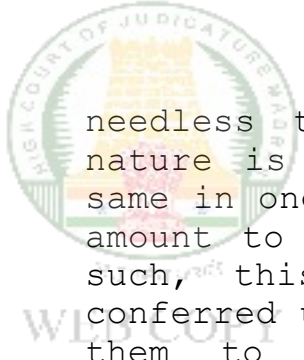
O R D E R

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

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 representation dated 02.04.2018 seeking place his representation dated 21.01.2016 before the second respondent committee and directing the second respondent to grant approval by quarrying lease Under Rule-19 of the Tamil Nadu Minor Mineral Concession Rules, 1999 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 second respondent's committee to consider the petitioner's representation dated 02.04.2018 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 respondents and any other persons who may be interested in the subject matter.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Ramanathapuram District.
2. The Chairman cum District Collector,
District Level Environment Impact Assessment
Authority,
Ramanathapuram District.

+ 1 cc TO Mr.R.M.Arun Swaminathan , Advocate in SR No. 63804

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AE/KKR/SAR3/14.05.2018/2P/4C

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26.04.2018