



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

WEB COPY

W.P.(MD) No.17268 of 2018

MathanMohan

... Petitioner

vs.

1. The District Collector

Dindigul District

Dindigul

2. The Assistant Director

Geology and Mining

Collectorate

Dindigul District

Dindigul

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to extend the period of lease by 78 days as per the terms and conditions of the lease agreement dated 13.03.2017 by permitting the petitioner to quarry remaining permitted quantity of 2748 cummeters gravel/red soil in S.F.Nos.228/41, 228/64 and 226/66 total to an extent of 2.80.0 hectares situated at Ellappatti Village, Ottachathiram taluk, Dindigul District consequently grant to grant transport permit to transport lorry loads after receiving necessary charges towards seigniorage fee by considering the petitioner's representation dated 28.07.2018.

For Petitioner : Mr.Devaraj
for Mr.K.Balasubramani

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 28.07.2018 seeking to extend the period of lease by 78 days as per the terms and conditions of the lease agreement dated 13.03.2017, has not been considered by the second 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 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 to consider the petitioner's representation dated 28.07.2018 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 any other persons who may be interested in the subject matter.

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

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar(CS-IV)

To:

1. The District Collector
Dindigul District
Dindigul
2. The Assistant Director
Geology and Mining
Collectorate
Dindigul District
Dindigul.

+1cc to M/S.K.Balasubramani, Advocate SR.No. 76662

W.P. (MD) No.17268 of 2018

02.08.2018

aav

JM/RP/SAR 4/30.08.2018/2P/4C