

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P.s 9901 & 9902 of 2003
and
W.P.M.P. 12553 of 2003

Adi-Dravidar Kalludaikkum Magalir
Mattrum Kuzhandaigal Membattu Sangam,
represented by its President
K.Vijaya ... Petitioner in both Wps

Vs

The Collector,
Kancheepuram District,
Kancheepuram. ... Respondent in both Wps

PRAYER in W.P. 9901 of 2003 : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent in Na.Ka.2151/02/01 dated 05.02.2003 and quash the same and direct the respondent to grant lease to the petitioner in Survey No.99, Keerapakkam Village.

PRAYER in W.P. 9902 of 2003 : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration, declaring the Sub-Rule 10(A) (a)(vii) of Rule 8 of the Tamil Nadu Minor Minerals Concession Rules, 1959 is null and void as far as the District Collector concerned is authorised to issue certificate of two years experience to the members of the applicant.

For Petitioner : Mr.E.Shamsudeen
For Respondents : Mr.E.Manoharan,
Addl. Government Pleader

C O M M O N O R D E R

The petitioner has filed these Writ Petitions challenging the impugned order of the respondent and quash the same as well as seeking a declaration to declare Sub-Rule 10(A) (a)(vii) of

Rule 8 of the Tamil Nadu Minor Minerals Concession Rules, 1959 as null and void.

2. The case of the petitioner is that the petitioner has applied for stone quarry license. However, the District Collector has rejected the application saying that as per rule, they have drawn a list of qualified SGSY group and granted stone quarry license, if the SGSY group is satisfied the conditions under Rule 8 sub-Rule 10 (A) of the Act. The petitioner has not satisfied with the above said conditions. Hence, his request was rejected. Challenging the same and the said Rule, the petitioner has filed these Writ Petitions.

3. Mr.A.R.Shamsudeen, learned counsel appearing for the petitioner would submit that though the Writ Petitions were filed in the year 2003 challenging the District Collector order, after lapse of 15 years, nothing survives for further adjudication. However, the petitioner may be permitted to make fresh application for stone quarry license and if any application is filed, the authority may be directed to pass appropriate orders.

4. The learned Addl. Government Pleader appearing for the State has conceded the request made by the learned counsel appearing for the petitioner.

5. In view of the above, having challenged the impugned order passed by the District Collector in the year 2003, after lapse of 15 years, nothing survives for further adjudication and hence, the present Writ Petitions are dismissed. Further, in view of the limited request, I am inclined to grant liberty to the SGSY group to file fresh application for stone quarry license and if any such application is received, the District Collector is directed consider the petitioner's application along with other applications and to pass appropriate orders as and when the list is drawn in accordance with law. No costs. Consequently, the Writ Petition Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rpp

To

The Collector,
Kancheepuram District,
Kancheepuram.

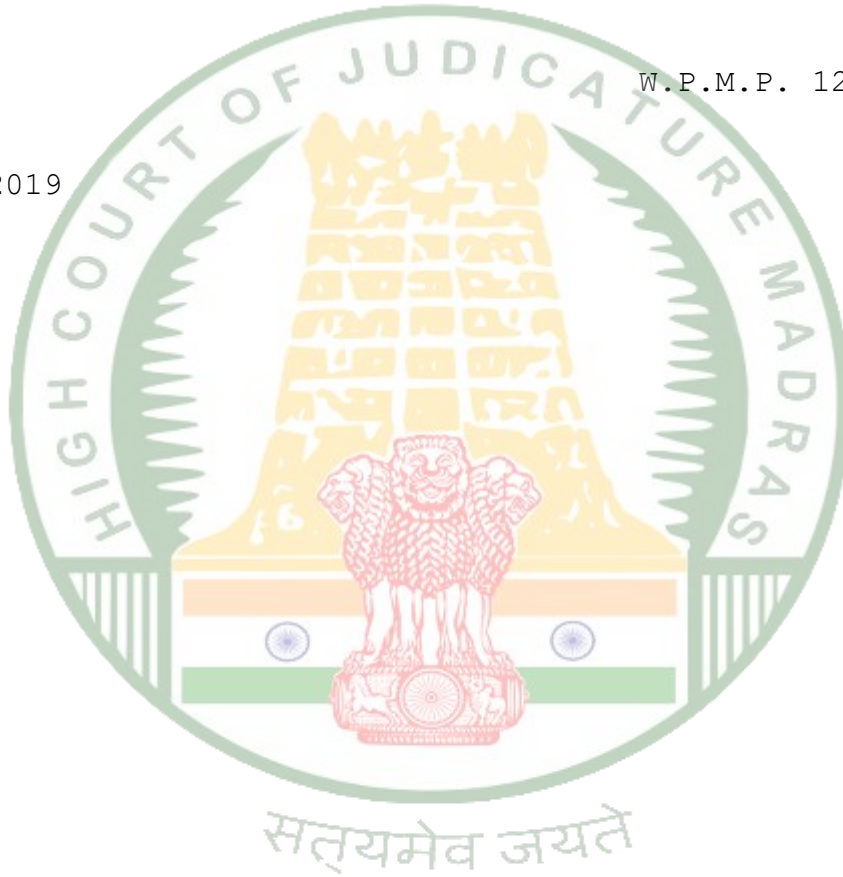
+1cc to Government Pleader sr.54619

+1cc to Mr.E.Shamsudeen, Advocate sr.53139

W.P.s 9901 & 9902
of 2003

and
W.P.M.P. 12553 of 2003

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