

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 11.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.2920 of 2010

M/s.Periyakkal Minerals,  
Rep.by its Proprietor,  
S.Veeramalai,  
Elurpatti Village,  
Thottiyam Taluk,  
Tiruchirappalli District. ...Petitioner

Vs

- 1.The Commissioner of Geology,  
and Mining,  
Guindy,  
Chennai - 600 035.
- 2.The District Collector,  
Tiruchirappalli District @  
Tiruchirappalli. ...Respondents

PRAYER: 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 1st respondent in his proceedings in Rc.No.1493/MM5/2009 dated 15.12.2009 quash the same and further direct the 2nd respondent to return the 6968 unit of sand from the PWD quarry by issuing necessary transport permit.  
(prayer amended as per order dated 01.08.2011  
by KNBJ in M.P.No./2011 in W.P.No.2920 of 2011.)

For Petitioner : Mr.M.Muthappan

For Respondents: Mr.J.Ramesh  
Additional Government Pleader

O R D E R

It is the case of the petitioner that he purchased sand from the Government and stored the same in heaps for the purpose of retail vending to the customers. The respondent seized the

entire sand and handed over to the Public Welfare Department authorities. Thereafter, the petitioner filed this Writ Petition to return the 6968 units of sand lying to the stock yard of the Public Welfare Department.

2.The petitioner filed an application before the 2<sup>nd</sup> respondent to return the 6968 units of sand to him, but, the 2<sup>nd</sup> respondent dismissed the application against which, the petitioner appealed to the 1<sup>st</sup> respondent, who in turn dismissed the appeal. Aggrieved by the dismissal order of the 1<sup>st</sup> respondent, this Writ Petition is filed.

3.The learned Counsel for the petitioner submitted that the ownership of the sand in question is being agitated before the Civil Court. No opportunity was given to the petitioner to produce the records to prove his genuineness before passing the impugned award.

4.The Learned Additional Government Pleader appearing for the respondents submit that after considering the factual aspects of the case and after providing necessary opportunities to the petitioner, the impugned order came to be passed.

5.Heard both sides and perused the materials.

6.The facts remains that the petitioner request to return the 6968 units of sand, seized by the Regional Authority and handed over to the Public Welfare Department has been rejected once by the Regional Authority, District Collector and Commissioner and also the High Court.

7.On a perusal of all materials, it is seen that the sand that was seized by the Public Welfare Department was already been sold out. A reading of impugned order shown that the Regional Authority and District Collector have rejected the request only on factual grounds, which cannot be mechanically interfered by this Court.

8.Accordingly, this Writ Petition is dismissed. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

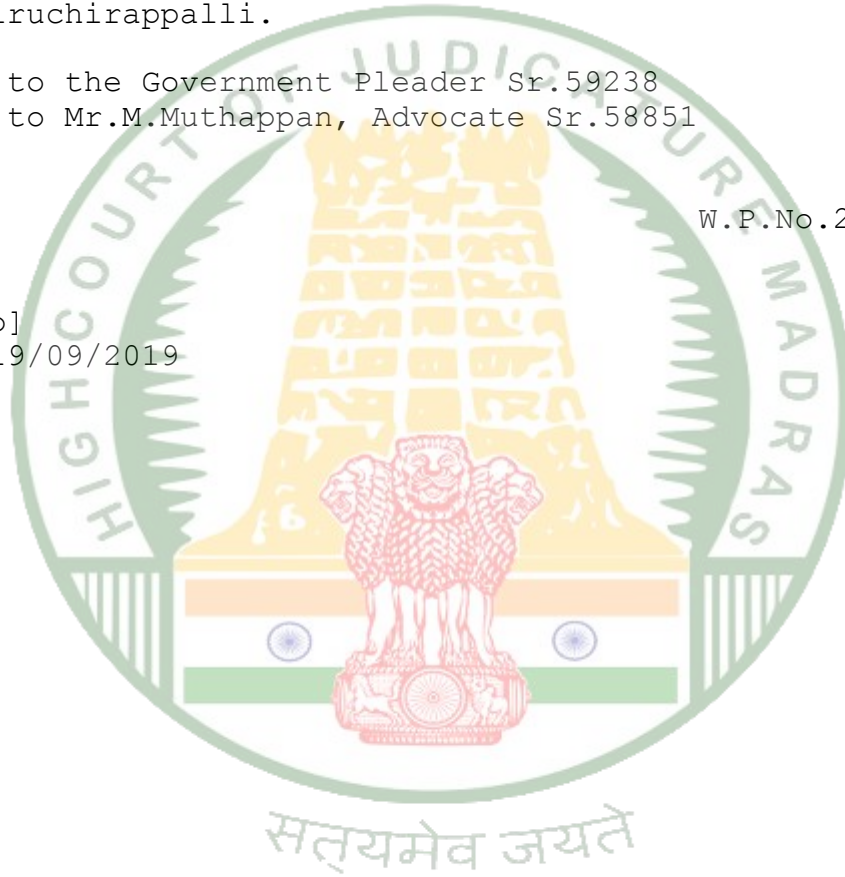
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+1cc to the Government Pleader Sr.59238  
+1cc to Mr.M.Muthappan, Advocate Sr.58851

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srg 19/09/2019



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