

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 21.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE DR.G.JAYACHANDRAN

Writ Petition No.7536 of 2019

M/s.Madhucon Granite Limited,
Rep., by its Authorized Person,
Madhucon Complex,
Jubilipura,
Khammam,
Andra Pradesh - 507 003.

Petitioner

Vs

- 1.The District Collector,
Thiruvannamalai District,
Tamil Nadu.
- 2.The Director,
Department of Geology and Mining,
Thiru-Vi-Ka Industrial Estate,
Guindy, Chennai- 600 032.
- 3.The Assistant Director,
Department of Geology and Mining,
Thiruvannamalai

Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ, order or Direction, more particularly in the nature of a Writ of Mandamus directing the respondents to consider the application dated, 24.10.2018 for the issuance of the Dispatch/Transport Permit for the clearance of the Granite Block quarried, and lying in the leasehold premises of the petitioner's company and thereby directing the respondents to issue the Dispatch/Transport Permit as applied for the petitioner vide application dated 24.10.2018.

For petitioner : Mr.T.Ramesh

For Respondents : Mr.N.Inbanathan
Additional Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader representing for the respondents.

2 The case of the petitioner is that, the respondent is withholding the issuance of Transit Permit for want of approval of the Scheme II. Though the petitioner is granted lease for Mining for a period of three years commencing from 06.07.2016. From the counter, this Court understands that the petitioner after expiry of the first scheme, ought to have applied for the second scheme three months prior to the expiry of the first scheme, but he has failed to do so. However by virtue of GO.(D) No.118 industries (MMCI) Department dated 15.06.2018, the time for submitting the second scheme has been extended with condonation fees of Rs.5,000/-.

3 Accordingly, the petitioner herein has applied for the second scheme along with condonation fees and sought for approval. The said application is pending on the file of the Assistant Director of Geology and Mining, since September 2018. This has prompted, the petitioner has approached this Court seeking Mandamus.

4 However, in the counter, the Assistant Director of Geology and Mining has stated that the petitioner has not furnished the relevant documents regarding the Environmental Clearance and also department has noted some violation during the period of 15.01.2016 to 05.07.2016, but the same has not been communicated to the petitioner. If the petitioner is entitled for approval of the scheme, his request ought to have been considered and order should have been passed in time. Otherwise, the reason for rejecting his application should have been communicated to him. It is unfortunate that the Assistant Director in spite of receiving condonation fees has not passed any order, only after approached this Court by way of counter it is stated some reason for not considering the application.

5 Therefore, this court is constrained to direct the second respondent to process the application given by the petitioner herein for the approval of the second scheme and pass appropriate order in accordance with law, within a period of 15 days from the dated of receipt of copy of this Order.

6 With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sbn/rpl

To

1.The District Collector,
Thiruvannamalai District,
Tamil Nadu.

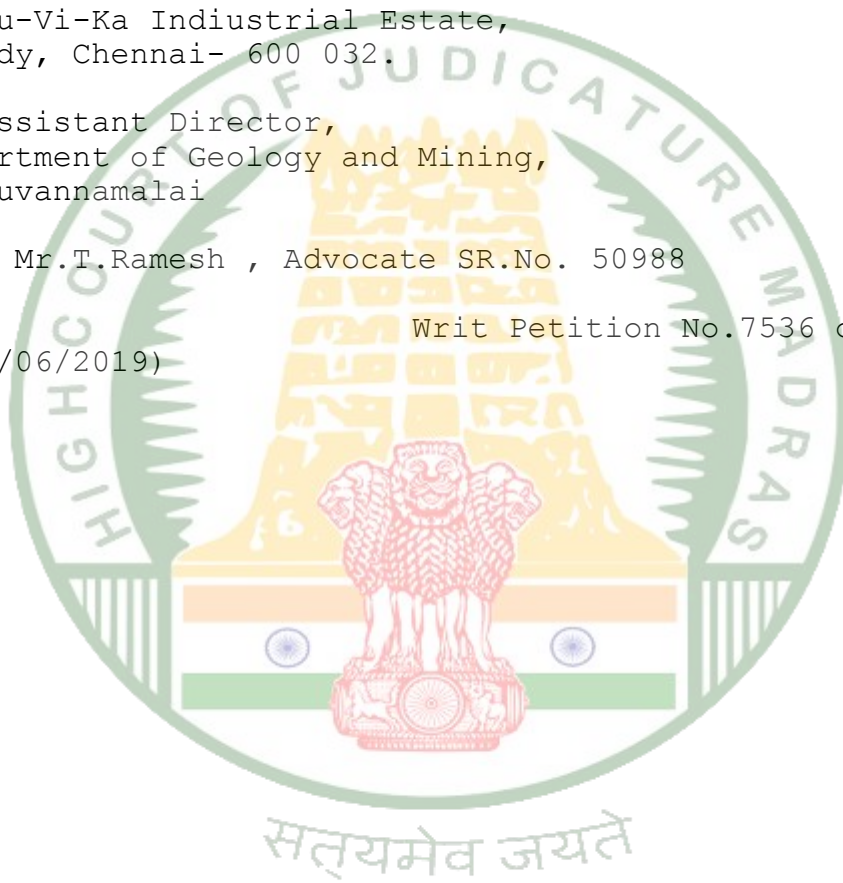
2.The Director,
Department of Geology and Mining,
Thiru-Vi-Ka Industrial Estate,
Guindy, Chennai- 600 032.

3.The Assistant Director,
Department of Geology and Mining,
Thiruvannamalai

+lcc to Mr.T.Ramesh , Advocate SR.No. 50988

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A.SK(21/06/2019)



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