

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 18.02.2019

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P. NO. 1125 OF 2018

V.K.Sathish Kumar

.. Petitioner

- Vs -

1. The District Collector
Tiruvallur District, Tiruvallur.

2. The Assistant Director
Geology & Mining
Tiruvallur District, Tiruvallur.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the 1st respondent herein to issue necessary proceedings, as per seniority, in favour of the petitioner after collecting the mineral cost or any other additionally levied charges, if any, in pursuant to the petitioner's quarry application dated 17.8.2011 for grant of Savudu quarry lease for a period of 50 days to remove Savudu for a quantity of 4860 lorry loads in S.F. No.216, PWD Tank of Magaral Village, Tiruvallur Taluk, Tiruvallur district, for which necessary seigniorage fee and security deposit of Rs.5,83,200/- and Rs.58,320/- has already been paid on 24.3.2015, within the prescribed time limit fixed by this Court.

For Petitioner : Mr. Anandan
for Mr. B.Parthasarathy

For Respondent : Mr. J.Ramesh, AGP for RR-1 & 2

ORDER

The petitioner appears to have submitted a quarry lease application on 17.8.2011 to the 1st respondent herein, viz., the District Collector, Tiruvallur District, seeking permission under Rule 12 of the Tamil Nadu Minor Mineral Concession Rules, 1959, for quarrying 5000 lorry loads of Savudu from Survey No.216, PWD Tank, Maragal Village, Tiruvallur Taluk, Tiruvallur district.

2. In response to the application submitted by the petitioner, the petitioner was directed to obtain necessary

clearance from the State Level Environment Impact Assessment Authority, Tamil Naud. The petitioner, in furtherance of the same, obtained the necessary environment clearance certificate on 24.2.2015. Subsequently, the petitioner was directed to pay seigniorage fee of Rs.5,83,200/- and security deposit of Rs.58,320/- and other charges of Rs.500/- on 24.3.15, which demand has also been duly complied with by the petitioner.

3. It appears that this Court was approached by a number of persons with regard to the same subject matter and in a batch of writ petitions in W.P. No.28019/15, etc., this Court has issued certain directions for formation of a Special Committee as per the provisions of the Tamil Nadu Minor Minerals Concessions Rules and the Committee is empowered to scrutinize such of the application for grant of quarry lease to the applicants. The petitioner herein, had also filed W.P. No.4720/17 and obtained similar orders on 24.2.17. However, the grievance of the petitioner is that despite the directions obtained by him in the above writ petition in W.P. No.4720/17 no action has been forthcoming from the Special Committee or from the respondent towards grant of permission to the petitioner with regard to the quarrying lease sought for by him vide his original application dated 17.8.11.

4. When the matter is taken up for hearing, learned Addl. Government Pleader appearing for the respondent submits that the application of the petitioner has been placed before the Special Committee seeking recommendation and permission for grant of quarry lease. It is further submitted by the learned Addl. Government Pleader that orders will be passed on the application of the petitioner within a period of eight weeks.

5. Accordingly, recording the submission as made by the learned Addl. Government Pleader appearing for the respondents, this writ petition stands disposed of with a direction to the respondents to take a final decision with regard to the application submitted by the petitioner, as early as in the year 2011, and pass orders on the quarry lease application submitted by the petitioner, within a period of eight weeks from the date of receipt of a copy of this order. The respondents are directed to approach the Special Committee and obtain necessary orders in this regard, since admittedly, the application has been submitted by the petitioner way back in the year 2011. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

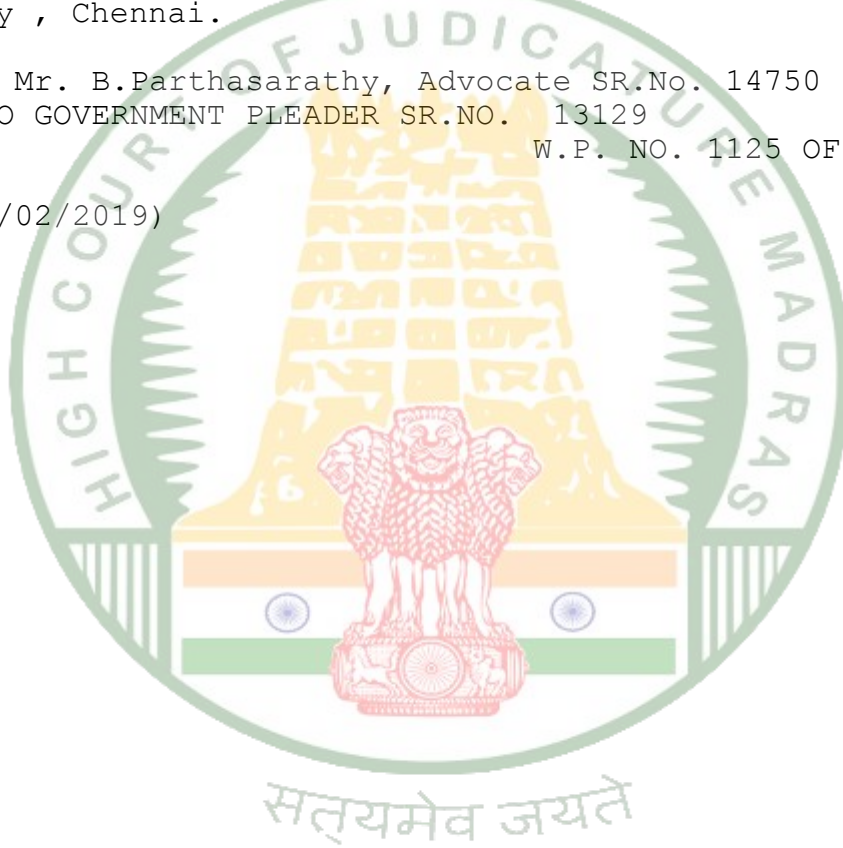
1. The District Collector
Tiruvallur District, Tiruvallur.
2. The Assistant Director
Geology & Mining
Tiruvallur District, Tiruvallur.
3. The Special Committee,
Tamil Nadu Minor Mineral Concession Rules,
Guindy , Chennai.

+1cc to Mr. B.Parthasarathy, Advocate SR.No. 14750

+1 CC TO GOVERNMENT PLEADER SR.NO. 13129

W.P. NO. 1125 OF 2018

A.SK(27/02/2019)



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