

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25/7/2019

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

WRIT PETITION NO.21579 OF 2019

T.Venkatesalu

... Petitioner

Vs

1. The State of Tamil Nadu
rep. By its Director
Department of Environment and Forests
Fort St. George
Chennai.
2. The State of Tamil Nadu
rep. By its Secretary
Public Works Department
Fort St. George
Chennai.
3. The District Collector
Thiruvallur District
Collectorate
Thiruvallur 602 001.
4. Venkatanarayanan

... Respondents

Prayer:-

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the respondents to comply with the orders for quarrying savudu sand at Sembedu Village, Thiruvallur District, in S.No.122/6, S.No.122/7 in an extent of 0.44.5 acre granted in favour of the fourth respondent and implement the lease for quarrying savudu sand by directing the strict compliance in respect of the quarrying of sand within the stipulation granted in the permission to quarry savudu sand in favour of fourth respondent, without affecting the environment.

For petitioner ... Mr.S.Srinivasan
For respondents ... Mr.E.Manoharan
Additional Government Pleader
for R.R.1 to 3.

O R D E R
(Order of the Court was made by S.Manikumar,J)

On 23/7/2019, we passed the following order:-

The petitioner has sought for Writ of Mandamus. He required compliance of the order passed by this Court dated 22.02.2019 in W.P.No.18872 of 2017.

2. On this day, when the matter came up for admission, the learned counsel for the Petitioner, placed reliance on proceedings in R.C.No.183/2016/Minerals-2, dated 25.02.2019, the District Collector, Thiruvallur District/third respondent.

3. Mr.E.Manoharan, learned Additional Government Pleader, submitted that permission granted to extract savudu is from patta lands, owned by one Govindasamy, taken on lease by Mr.Venkatnarayana, owner of Sri Hanuman Brick Works, subject to certain conditions contained in the order dated 25.02.2019 of the District Collector, Thiruvallur/third respondent. Learned Additional Government Pleader also referred to Rule 19(2)(B) of Tamil Nadu Small Minerals Concession Rules, 1959 in this regard. Learned Additional Government Pleader further submitted that the decision made in W.P.No.18272 of 2017 dated 22.02.2019, may not in strict sense be applicable to the facts on hand. According to the learned Additional Government Pleader permission dated 25.02.2019, has been granted in exercise of the powers under section 19 (2)(B) of Tamil Nadu Small Minerals Concession Rules, 1959, whereas, order in W.P.No.18272 of 2019 dated 22.02.2019, deals with the grant of permission in Government lands.

4. Learned counsel for the petitioner submitted that he requires time to get appropriate instructions from the writ petitioner, in respect of proceedings in R.C.No.183/2016/Minerals-2 dated

25.02.2019 of the District Collector,
Thiruvallur/third respondent.

5. Registry is directed to post the writ
petition in the motion list on 25.07.2019.

2. On this day, when the matter came up for further
hearing, Mr.S.Srinivasan, learned counsel for the petitioner has
filed an additional affidavit, dated 24/7/3029, seeking
permission to withdraw the instant writ petition, filed for a
mandamus and seeks liberty to challenge an order, dated
25/2/2019.

3. Placing on record the above, writ petition is dismissed
as withdrawn. No costs. Liberty as prayed for is granted.
Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Director
State of Tamil Nadu
Department of Environment and Forests
Fort St. George, Chennai.
2. The Secretary
State of Tamil Nadu
Public Works Department
Fort St. George, Chennai.
3. The District Collector
Thiruvallur District
Collectorate, Thiruvallur 602 001.

+1cc to the Government Pleader, S.R.No.63868

Writ Petition No.21579 of 2019

PP(CO)
CS/12/09/2019