



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.4218 of 2019

M/s.Sri Murugan Traders,
Through Its' Proprietor,
K.Ravivarman.

... Petitioner

Vs

1.The District Collector,
Dindigul District.

2.The Revenue Divisional Officer,
Palani, Dindigul District.

3.The Assistant Director,
Department of Mines and Minerals,
Collector Office Campus,
Dindigul.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to remove the seal fixed by the second respondent on 10.12.2018 in petitioner's premises situated in Reddiyapatty Village, Oddanchatram Taluk, Dindigul District.

For Petitioner : Mr.Durai Samy, Senior Counsel
For Mr.S.R.Suresh Kumar

For Respondents : Mr.M.Rajarajan
Government Advocate

ORDER

Heard the learned Senior counsel appearing for the petitioner and learned Government Advocate appearing for the respondents.

2.The petitioner set up a unit at Reddiyapatty to make M Sand. The process to be carried out in the petitioner's unit would be to receive gravel from various quarries and subject them to cleaning by water. The specific case of the petitioner is that he submitted an application dated 19.06.2018 under Rule 4 of the Tamil Nadu Prevention of Illegal Mining, Transportation and Storage of Minerals and Mineral Dealers Rules, 2011. The receipt of the said application is not in dispute. It is also not in dispute that even though as per Rule 5 (3) (a), the authority will have to dispose of the application such disposal was not given in this case. The petitioner was under the impression that since his application was not rejected within a period of 30 days, license was deemed to have



been granted and he was operating the unit. Since the unit was being run without license, the Sub Collector raided the premises and sealed it. Aggrieved by the same, this writ petition has been filed.

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3.The learned Senior Counsel appearing for the writ petitioner pointed out there is no provision for sealing the premises. This legal contention is not rebutted by the learned Government Advocate appearing for the respondents. Since the petitioner was not put on notice and since no provision has not been cited before this Court empowering the authority to seal the premises, I am of the view that the premises in question will have to be de-sealed forthwith. The first respondent is directed to dispose of the petitioner's application, dated 19.06.2018, on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

4.The learned Senior Counsel appearing for the petitioner on instructions from the petitioner gives an undertaking that till the license is issued by the first respondent, he would not operate the unit in question and he will only maintain the unit and do nothing more than that.

5.Recording the said undertaking, this Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS III)

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To:

1.The District Collector, Dindigul District.

2.The Revenue Divisional Officer, Palani, Dindigul District.

3.The Assistant Director,
Department of Mines and Minerals,
Collector Office Campus, Dindigul.

+1 CC to M/s.SPL GP (SR-56565[F] dated 26/03/2019)

+1 CC to M/s.S.R.SURESH KUMAR, Advocate (SR-56417[F] dated 25/03/2019)

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