



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P (MD)No.16936 of 2019

B.Nelson

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District at Nagercoil.

2.The Assistant Director,
Department of Geology and Mining,
Collectorate,
Nagercoil,
Kanyakumari District.

3.The Tahsildar,
Kalkulam Taluk,
Kanyakumari District.

... Respondents

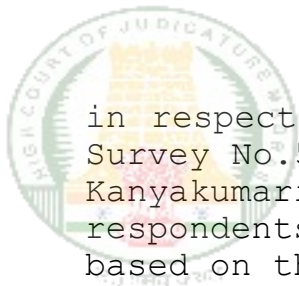
PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, to direct the first and second respondents herein, to call for a report from the Tahsildar, Kalkulam, the third respondent herein based on the proceedings of the first respondent dated 10.10.2.018 in ROC.No.175/u.m.g/ 2018, in respect of the lands to an extent of about 6 Cents comprised in Survey No.504/1 and 504/2, Maruthoorkurichi Village, Kalkulam Taluk, Kanyakumari District and consequently, direct the first and second respondents to issue proper permission for mining to the petitioner based on the application dated 27.09.2018, within time frame as fixed by this Court.

For Petitioner : Mr.G.Aravinthan

For Respondents : Mrs.J.Padmavathidevi,
Special Government Pleader.

O R D E R

This Writ Petition has been filed to direct the first and second respondents herein, to call for a report from the Tahsildar, Kalkulam, the third respondent herein based on the proceedings of the first respondent dated 10.10.2.018 in ROC.No.175/g[k.R/ 2018,



in respect of the lands to an extent of about 6 Cents comprised in Survey No.504/1 and 504/2, Maruthoorkurichi Village, Kalkulam Taluk, Kanyakumari District and consequently, direct the first and second respondents to issue proper permission for mining to the petitioner based on the application dated 27.09.2018.

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2.The petitioner purchased a piece of land in Survey Nos.504/1 and 504/2 at Maruthoorkurichi, Kalkulam Taluk, for the purpose of constructing commercial building. He settled it in favour of his wife on 04.04.2018. Thereafter, to facilitate construction of building, he sought permission from the District Collector to remove the mining soil mound on the property. Even though the District Collector has forwarded the documents for the report of the Tahsildar, Kalkulam Taluk, so far, no action has been taken and he is not permitted to remove the soil from his place. Aggrieved over the same, the petitioner has filed this petition.

3.The learned Special Government Pleader on instructions would submit that the area, mentioned by the petitioner is a hilly region. Therefore, primarily, an inspection has to be conducted and thereafter only, appropriate permission will be granted in favour of the petitioner.

4.Be that as it may, the petitioner is said to have given a representation on 27.09.2018 for getting plan approval for the building. For the past one year, he has been made to wait. In the meanwhile, the cost of construction materials are rapidly increasing. When an application is filed, it is pertinent for the authorities to consider the same and pass appropriate orders within a reasonable time and it cannot be kept in a cold storage.

5.Considering the facts and circumstances of the case, a directions is issued to the first respondent to process the application made by the petitioner and take a decision either to grant permission or reject it within a period of eight (08) weeks from the date of receipt of a copy of this order.

6.Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

das



To

1.The District Collector,
Kanyakumari District at Nagercoil.

2.The Assistant Director,
Department of Geology and Mining,
Collectorate, Nagercoil,
Kanyakumari District.

3.The Tahsildar,
Kalkulam Taluk,
Kanyakumari District.

+2 CC to M/s.G.ARAVINTHAN, Advocate SR-93807.

W.P (MD) No.16936 of 2019
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CS (06.11.2019) 3P 6C