



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P (MD)No.22058 of 2019

and

W.M.P. (MD)No.18829 of 2019

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Justin Sunder Singh

: Petitioner

Vs.

1.The Secretary to Government,
Municipal Administration,
St.George Fort,
Chennai - 600 009.

2.The Commissionerate of Municipal Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.

3.The District Collector,
Kanyakumari District,
Nagercoil.

4.The Assistant Director (Mines & Minerals),
Collectorate Office,
Nagercoil, Kanyakumari District.

5.The Commissioner,
Colachel Municipality,
Colachel Post, 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 respondents allowing to transport gravel sand from the Patta land in resurvey No.602/2, 606/3 and 606/5 of Kadiapattanam Village, Kalkulam Taluk, Kanyakumari District or from any place identified by the fifth respondent for the Septage Management Scheme (Public Purpose) in the light of the order in Na.Ka.No.566-1/2018/E1, dated 30.07.2019.

For Petitioner : Mr.R.Mohana Sundaram

For R1 to R4 : Mr.J.Gunaseelan Muthiah,
Additional Government Pleader.

For R5 : Mr.P.Athimoolapandian,
Standing Counsel



O R D E R

This Writ Petition has been filed to direct the respondents allowing to transport gravel sand from the Patta land in resurvey No.602/2, 606/3 and 606/5 of Kadiapattanam Village, Kalkulam Taluk, Kanyakumari District or from any place identified by the fifth respondent for the Septage Management Scheme (Public Purpose) in the light of the order in Na.Ka.No.566-1/2018/E1, dated 30.07.2019.

2.The petitioner has become successful tenderer for the execution of the Faecal Sludge And Septage Management Scheme. Even though the petitioner was awarded with a contract on 25.11.2019, he could not execute it, for want of permission to quarry gravel from patta land for the above said purpose. He made a representation to the District Collector. The District Collector in his proceedings in நடவடிக்கை 113/புழை/2019, dated 06.09.2019, informed the petitioner that if it is applied in form Annex VI under Rule 19 by the land owner or the agreement holder of the land, permission will be granted. The petitioner has applied for quarrying permit in form Appendix X under Rule 3 along with the demand draft, other document and lease agreement. However, quarrying permit was not granted. Aggrieved the same, the petitioner has come before this Court.

3.On instructions, the learned counsel appearing for the respondents would submit that the petitioner has to submit his application in form Annex VI under Rule 19, whereas he has made his application in Appendix X under Rule 3.

4.Be that as it may, when an application is made, the concerned officer shall either process it or return it for rectification of defects and cannot keep it in cold storage 'sine dine.'

5.The petitioner is pressed for time to execute the contract awarded by the Municipality.

6.Considering the paucity of time, it is necessary that a direction is given to the third respondent to process the application of the petitioner. Accordingly, the petitioner is directed to submit his application for quarrying gravel in the proper format within a period of one week from the date of receipt of a copy of this order and on receipt of the said application, the third respondent is directed to pass an order either accepting it or rejecting it within a period of two weeks, therefrom.

7.The third respondent is also directed to accept the demand draft submitted by the petitioner on the earlier occasion as prescribed fee.

8.In view of the above, this Writ Petition is disposed of. No



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costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

das

To

1.The Secretary to Government,
Municipal Administration,
St.George Fort,
Chennai - 600 009.

2.The Commissionerate of Municipal Administration,
Ezhilagam, Chepauk,
Chennai - 600 005.

3.The District Collector,
Kanyakumari District,
Nagercoil.

4.The Assistant Director (Mines & Minerals),
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Nagercoil, Kanyakumari District.

5.The Commissioner,
Colachel Municipality,
Colachel Post, Kanyakumari District.

+1 CC to M/s.C.K.M.APPAJI, Advocate (SR-93958[F] dated 23/10/2019)

+1 CC to M/s.SPL GP (SR-94280[F] dated 24/10/2019)

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KK/SAR/13.11.2019/3P-8C/