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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.Nos.35166 & 35167 of 2019

and

W.M.P.Nos.35953, 35954, 35955 & 35956 of 2019

K.Sundarraaj
S/o.Karupanna Gowder

...Petitioner
(in W.P.No.35166 of 2019)

Yuvaraj
S/o.Arumugam

... Petitioner
(in W.P.No.35167 of 2019)

vs.

1.The District Collector
Coimbatore.

2.The Assistant Director i/c/
Joint Director
Geology and Mining
Coimbatore.

...Respondents in both W.P.s

Writ Petition No.35166 of 2019 filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 1st respondent bearing Na.Ka.No.10/Minerals/2019 dated 29.10.2019 and quash the same and consequently, direct the respondents herein to permit the petitioner to continue the brick manufacturing activities in the brick kiln in Survey No.529/1 of Veerapandi Village and quarry the required sand for the said purpose from petitioners patta land in Survey No.540/2B of Veerapandi Village.

Writ Petition No.35167 of 2019 filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 1st respondent bearing Na.Ka.No.10/Minerals/2019 dated 29.10.2019 and quash the same and consequently, direct the respondents herein to permit the petitioner to continue the brick manufacturing activities in the petitioner's village and quarry the required sand for the said purpose from petitioner's village.



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For Petitioner in both W.P.s : Mr.A.R.L.Sundaresan
Senior Counsel
for Mr.V.S.Senthilkumar

For Respondents in both W.P.s : Mr.R.Govindasamy
Special Government Pleader
in WP No.35166/19 and
Mr.V.Raghavachari for
Mr.V.S.Senthil Kumar
in WP No.35167/19

C O M M O N O R D E R

In both these writ petitions, challenge made is against a notice dated 29.10.2019 issued by the District Collector, Coimbatore, calling upon the petitioner to give explanation as to why action should not be taken against them for manufacturing bricks without obtaining necessary permission/licence.

2. The grievance of the petitioners before this Court is that they have been granted permission earlier and their application for renewal is pending before the authorities. Therefore, it is contended that the impugned notice is totally unwarranted.

3. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioners, since the challenge made in these writ petitions is only against the notice to show cause and therefore, these petitioners can give their suitable explanation to the allegations made in the impugned notice and satisfy the authorities with supportive materials/documents. It is stated that already explanations were given.

4. If that be the case, it is for the first respondent to consider the explanations already filed by the petitioners and pass orders on the same on merits and in accordance with law, after giving due opportunity of personal hearing as well. It is open to the petitioners to place supportive documents over their claim before the first respondent at the time of personal hearing. Thus, these writ petitions are disposed of, without expressing any view on the merits of the contentions raised by both parties, only with a direction to the first respondent to pass orders on the explanations already filed by the petitioner within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-III)

//True copy//



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To

1. The District Collector, Coimbatore.

2. The Assistant Director i/c/
Joint Director
Geology and Mining
Coimbatore.

+1cc to Mr.V.S.Senthilkumar , Advocate SR.No.20848

+1cc to Government Pleader SR.No.21643

W.P.Nos.35166 & 35167 of 2019

GJ(CO)
GMY(09/07/2020)