



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2020

CORAM:

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

W.P. (MD)No.7545 of 2020

N.Maria Robin

... Petitioner

Vs

1.The District Collector,
Tirunelveli District.

2.The Assistant Director of Mines and Minerals,
Tirunelveli.

3.The Tahsildhar,
Thisayanvillai Taluk Office,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the third respondent to consider the petitioner's representation dated 04.05.2020 and take appropriate action within time stipulation by this Court.

For Petitioner	: Mr.S.Kumar
For Respondents	: Mrs.S.Srimathy, Special Government Pleader

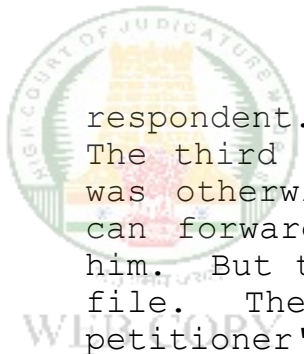
O R D E R

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner owns patta lands in S.F.No.328/3B and 329/1A at Ramakrishnapuram Village, Thisayanvillai Taluk, Tirunelveli District. He applied for licence to conduct quarry operations in his patta lands. The petitioner's counsel states that the application submitted by the petitioner is complete in all respects. The third respondent admittedly had received the petitioner's application but citing the objections given by some third party, the third respondent has not forwarded the petitioner's application to the first respondent. That necessitated the filing of this writ petition.

3.The learned Special Government Pleader would contend that the third respondent was constrained to retain the petitioner's application because of the objection received by him.

4.I am unable to appreciate the conduct of the third



respondent. The third respondent is not the licensing authority. The third respondent ought to have forwarded the application if it was otherwise complete in shape. Of course, the third respondent can forward the application along with the objections received by him. But then, he ought not to have retained the application on its file. Therefore, the third respondent is directed to forward the petitioner's application to the first respondent within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the first respondent will pass orders in accordance with law within a period of eight weeks thereafter.

5.The writ petition is disposed of on these terms. No costs.

Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The District Collector,
Tirunelveli District.
- 2.The Assistant Director of Mines and Minerals,
Tirunelveli.
- 3.The Tahsildhar,
Thisayanvillai Taluk Office,
Tirunelveli District.

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