



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2020

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.13862 of 2020

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S.Chandrasekar

.. Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Chief Secretary to Government,
Public Works Department,
Secretariat Fort. St. George,
Chennai.
2. The Director of Geology & Mining,
Guindy, Chennai.
3. The District Collector,
Pudukottai, Pudukottai District.
4. The Revenue Divisional Officer,
Mines & Minerals,
Pudukottai Collectorate Campus,
Pudukottai.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 12.09.2020, within the time limit fixed by this Court.

For Petitioner	:	Mr.S.Manikandan
For Respondents	:	Mr.M.Rajarajan Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to consider the petitioner's representation dated 12.09.2020, within a time frame to be fixed by this Court.

2.Heard Mr.S.Manikandan, learned counsel for the petitioner. Mr.M.Rajarajan, learned Additional Government Pleader, accepts notice on behalf of the respondents.

3.By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

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4.It is the case of the petitioner that he had made an application for grant of quarrying licence to the land in Survey No.175/7A measuring about 2.83.5 hectares situated at Alangudi Taluk, Venavalkudi Village, Pudukottai District, on 01.09.2016, before the District Collector, Pudukottai District.

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5.According to the petitioner, the Tahsildar, Alangudi, has conducted field inspection on 20.03.2020 and vide his letter, dated 20.03.2020, he has given no objection for grant of licence to quarry in the aforementioned land by the petitioner. According to the petitioner, the District Revenue Officer, Pudukottai has also made field inspection on 19.05.2020. According to the petitioner, since the licence was not granted, he had also given another representation to the District Revenue Officer and other authorities on 12.09.2020 to consider his application dated 01.09.2016 for licence to quarry. According to the petitioner, he was informed orally by the authorities concerned that one Murugan has filed a suit before the learned District Munsif, Alangudi, seeking injunction against him and that is the reason for not granting quarrying licence in his favour.

6.Admittedly, the representation dated 12.09.2020 given by the petitioner has not been considered by the respondents till date and the petitioner has been informed about the filing of the suit by one Murugan only orally. In such circumstances, this writ petition has been filed by the petitioner for a Mandamus seeking to consider the representation for quarrying licence in his land.

7.The relief sought for by the petitioner is an innocuous relief. No prejudice will be caused to the respondents, if such a relief is granted by this Court. As seen from the documents filed, field inspection was conducted by the Tahsildar, Alangudi, on 20.03.2020 and by the District Revenue Officer on 19.05.2020. It is also seen that the Tahsildar of Alangudi, vide his letter dated 20.03.2020 has given his no objection for grant of licence in favour of the petitioner to quarry in his land. This being the case, the respondents ought to have considered the representation dated 12.09.2020, given by the petitioner on merits and in accordance with law.

8.For the foregoing reasons, this Court directs the respondents to consider the petitioner's representation dated 12.09.2020, seeking for quarrying licence over his land in S.No.175/7A measuring about 2.83.5 hectares situated at Alangudi Taluk, Venavalkudi Village, Pudukottai District and pass final orders on merits and in accordance with law, after hearing all necessary parties including Mr.Murugan, who has allegedly filed a suit against the petitioner, within a period of eight weeks from the date of receipt of a copy of the order.



9. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

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Sub Assistant Registrar(CS)

TM

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 Chief Secretary to Government,
Public Works Department,
Secretariat Fort. St. George,
Chennai.
2. The Director of Geology & Mining,
Guindy, Chennai.
3. The District Collector,
Pudukottai, Pudukottai District.
4. The Revenue Divisional Officer,
Mines & Minerals, Pudukottai Collectorate Campus,
Pudukottai.

+1 CC to the SPL GP SR-20715.

+1 CC to Mr.R.RAGAVENDRAN, Advocate SR-20666.

**W.P(MD) .No.13862 of 2020
28.10.2020**

SE(CO)

CS(05.11.2020) 3P 7C