



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2020

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD) .No.16677 of 2020

and W.M.P. (MD) .No.13929 of 2020

WEB COPY

K.C.Jeyabalan

.. Petitioner

Vs.

1.The District Collector,
District Collectorate, Dindigul,
Dindigul District.

2.The Assistant Director,
Department of Geology and Mines
Dindigul, Dindigul District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent District Collector to grant Rough Stone quarry license to the petitioner for the land admeasuring an extent of 1.45.5 Hectares (3.58 Acres) in Survey No.480/4 (Part) Block - 1 at Kombaipatti Village, Nilakottai Taluk, Dindigul District for a period of 5 years in the light of the proceedings issued by the 1st respondent District Collector in Na.Ka.No.191/2017 (Minerals) dated 15.04.2017.

For Petitioner : Mr.T.Cibi Chakraborty
For Respondents : Mr.C.Ramesh
Special Government Pleader

ORDER

(This writ petition heard through video conference)

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to grant rough stone quarry licence to the petitioner for the land measuring an extent of 1.45.5 Hectares (3.58 Acres) in Survey No.480/4 (Part) Block - 1 at Kombaipatti Village, Nilakottai Taluk, Dindigul District for a period of 5 years in the light of the proceedings issued by the 1st respondent District Collector in Na.Ka.No.191/2017 (Minerals)



2. Heard Mr.T.Cibi Chakraborty, learned counsel for the petitioner and Mr.C.Ramesh, learned Special Government Pleader, appearing for the respondents.

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

4. The learned counsel for the petitioner would submit that by proceedings dated 15.04.2017, the petitioner was confirmed as the highest bidder for mining auction in the aforementioned land. The learned counsel for the petitioner also drew the attention of this Court to the proceedings dated 15.04.2017, wherein it is confirmed that the petitioner has paid the entire tender amount of Rs.18,70,000/- to the first respondent for the grant of rough stone quarry licence at the aforementioned land. He has also given a representation on 24.02.2020, to the respondents, calling upon them to grant the quarry licence, in accordance with the proceedings dated 15.04.2017, issued by the first respondent. It is his contention that despite payment of the entire tender amount of Rs.18,70,000/-, the first respondent has not awarded rough stone quarry licence to him. In such circumstances, this writ petition has been filed.

5. A Positive direction as sought for in this writ petition, cannot be granted by this Court. It is for the first respondent to award rough stone quarry licence to the petitioner, in accordance with his proceedings dated 15.04.2017. The petitioner has given a representation on 24.02.2020, to the first respondent, calling upon him to grant rough stone quarry licence, since he has already paid the entire tender amount and the first respondent in his proceedings dated 15.04.2017 has also confirmed the receipt of the entire tender amount. Admittedly, till date, the said representation has not been considered by the first respondent.

6. For the foregoing reasons and in view of the fact that the petitioner has paid the entire consideration for the grant of rough stone quarry licence, the first respondent is directed to consider the petitioner's representation dated 24.02.2020, seeking for the grant of rough stone quarry licence for his property measuring an extent of 1.45.5 Hectares (3.58 Acres) in Survey No.480/4 (Part) Block - 1 at Kombaipatti Village, Nilakottai Taluk, Dindigul District for a period of 5 years in the light of the proceedings issued by the 1st respondent dated 15.04.2017 and pass final orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.



7. With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

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 District Collector,
District Collectorate, Dindigul,
Dindigul District.

2. The Assistant Director,
Department of Geology and Mines
Dindigul, Dindigul District.

+1 CC to Mr.T. CIBI CHAKRABORTHY, Advocate (SR-23090[F] dated 27/11/2020)

+1 CC to SGP (SR-23129[F] dated 27/11/2020)

**W.P (MD) .No.16677 of 2020
26.11.2020**

ARK(CO)

KM (07.12.2020) 3P 5C