



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2021

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.8399 of 2019

S.Santhosh Kumar

... Petitioner

vs.

1. The District Collector,
Tiruvallur District,
Tiruvallur.
2. The Special Committee for Environmental Clearance,
Tiruvallur District,
Office of the District Collector,
Tiruvallur.
3. The Director of Geology and Mining,
Guindy, Chennai 600 032.
4. The Assistant Director,
Geology and Mining Department,
Tiruvallur.
5. The Executive Engineer,
Public Works Department,
Chepauk, Chennai 600 005.
6. The Executive Engineer,
Public Works Department,
Kosasthalaiyar Basin Division,
Tiruvallur.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondents herein to issue Challan for remittance of the amount of Rs.1,31,68,600/- based on the order dated 15.04.2018 issued through website by the 1st Respondent herein, within the time frame to be stipulated by this Court, for removal of 60,000 cubic meters of gravel from Survey Field No.1 of Red Hills Tank.

For Petitioner	:	Mr.M.Santhanaraman
For Respondents	:	Mr.M.R.Gokul Krishnan, Government Advocate



O R D E R

Petitioner has come up with this Writ Petition seeking a direction to the Respondents herein to issue Challan for remittance of the amount of Rs.1,31,68,600/- based on the order dated 15.04.2018 passed by the 1st Respondent through website, for removal of 60,000 cubic meters of gravel from Survey Field No.1 of Red Hills Tank.

2. According to the Petitioner, he applied for grant of permission to remove gravel from S.F.No.1, PWD Tank in Red Hills Village, Madhavaram Taluk, Tiruvallur District during the year 2013 to the 1st Respondent herein. As the Petitioner's Application dated 20.05.2013 was neither considered by the 1st Respondent herein nor forwarded to the 2nd Respondent herein, the Petitioner filed W.P.No.18717 of 2017 seeking a direction to the 1st Respondent therein to refer his Application to the 2nd Respondent therein under Rule 12 of the Tamil Nadu Minor Mineral Concession Rules. As per the order dated 09.11.2017 passed by this Court in the said Writ Petition, the 1st Respondent forwarded the Petitioner's Application to the 2nd Respondent herein.

3. In the meantime, the Petitioner was directed to obtain Environmental Clearance from the State Level Environmental Impact Assessment Authority and accordingly, by an order dated 19.06.2017, permission was granted to the Petitioner by the Authority for removal of gravel for a period of 80 days. Thereafter, the 1st Respondent herein, by an order dated 05.04.2018, granted permission to remove 10,000 Lorry loads or 60,000 sq. mtrs. of gravel based on his Application dated 20.09.2013 by directing the Petitioner to deposit a sum of Rs.1,31,68,600/- towards total fee for removal of gravel. The case of the Petitioner is that, the said amount can be deposited only if the Office of the 1st Respondent issues necessary challan for remittance of the said amount in the Treasury. However, challan for remittance of the said amount has not been given to the Petitioner citing various reasons. Therefore, the Petitioner could not remit the amount despite the order dated 05.04.2018 passed by the 1st Respondent. Hence, the Petitioner made representations dated 14.05.2018, 15.01.2019, 01.02.2019 and 08.02.2019 to the Respondents requesting to issue Challan for remittance of fee. As there is no response to his representations, the Petitioner is before this Court with the above Writ Petition.

4. Learned counsel for the Petitioner submitted that, it would suffice if the Petitioner's representation dated 08.02.2019 is directed to be considered by the 1st Respondent within a stipulated period.

5. Learned Government Advocate appearing for the Respondents submitted that, the Petitioner's representation will be considered by the 1st Respondent within the time stipulated by this Court.



6. Considering the facts and circumstances of the case and taking note of the submissions of the learned counsel on either side, this Court directs the 1st Respondent herein to consider the Petitioner's representation dated 08.02.2019 in accordance with law, and pass appropriate orders after affording an opportunity of hearing to the Petitioner, within a period of four weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected W.M.P.Nos.8926 and 13734 of 2019 are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The District Collector,
Tiruvallur District, Tiruvallur.
2. The Special Committee for Environmental Clearance,
Tiruvallur District, Office of the District Collector,
Tiruvallur.
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5. The Executive Engineer,
Public Works Department,
Chepauk, Chennai 600 005.
6. The Executive Engineer,
Public Works Department,
Kosasthalaiyar Basin Division,
Tiruvallur.

+1 cc to Mr.M.Santhanaraman, Advocate Sr.NO. 59692

+1 cc to Government Pleader Sr.NO. 59771

W.P.No.8399 of 2019

ksm(CO)

A.SK(20.01.2022)