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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Writ Petition No.39186 of 2016
and W.M.P.No.33560 of 2016

K.Ramasamy

... Petitioner

Vs

1.The District Collector
Tiruppur, Tiruppur District.

2.The Revenue Divisional Officer
Tiruppur, Tiruppur District.

3.The Deputy Director
Geology and Mining
Cotton Market Building
Palladam Road
Collectorate, Tiruppur.

4.P.Loganathan

5.M.Venkatachalam

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to cancel the stone quarrying license issued to the respondents 4 and 5 in respect of land comprised in resurvey No.6/1 and 6/2 situated at Muthumampalayam Village, Uthukuli, Tiruppur District by considering the petitioner's representation dated 01.08.2016.

For Petitioner : Mr.K.Myilsamy

For R1 to R3 : Mr.Stalin Abimanyu
Government Advocate

For R4 and R5 : Mr.S.R.Mounaswamy Nathan

ORDER

This writ petition has been filed for a mandamus directing the respondents 1 to 3 to cancel the stone quarrying license issued to the respondents 4 and 5 in respect of the lands comprised in resurvey nos.6/1 & 6/2 situated at Muthampalayam Village, Uthukuli Taluk, Tiruppur District, by considering his representation dated 01.08.2016.



2.It is the grievance of the petitioner that contrary to the provisions of the Tamil Nadu Minor and Mineral Concession Rules, 1959, the first respondent authorities have granted stone quarrying licence to the respondents 4 and 5, that too, without calling any objections from the petitioner, who is adjacent land owner. Further, the lands of the respondents 4 and 5 are situated within 100 meters from the agricultural fields and within 30 meters from the cattle shed belonging to the petitioner and the quarrying operation is causing serious prejudice to the peaceful living of the petitioner and her family. Hence, the petitioner made two representations dated 01.08.2016 and 27.08.2016 to the respective respondents 1 and 3, requesting to cancel the quarrying licence issued to the respondents 4 and 5. Finding no response on the same, he has come up with this writ petition for the aforesaid relief.

3.Upon notice, the first respondent filed a detailed counter affidavit, wherein, it is stated that the representation of the petitioner dated 01.08.2016 was already disposed of on merits and the same was also communicated to the petitioner vide letter dated 03.08.2016. It is further stated therein that the 4th respondent is operating the stone quarry by following the rules and regulations, without causing any hindrance to the adjacent lands and hence, the contention of the petitioner deserves no consideration and the same is liable to be dismissed.

4.The averments so made in the counter affidavit have been refuted by the learned counsel for the petitioner. According to him, the petitioner did not receive a copy of the order passed on his representation dated 01.08.2016 and hence, the same may be directed to be served on him.

5.In view of the above, this Court directs the first respondent to serve a copy of the order passed on the petitioner's representation dated 01.08.2016 on the petitioner, within a period of two weeks from the date of receipt of a copy of this order. Thereafter, it is left open to the petitioner to work out his remedy in the manner known to law.

6.Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To
1.The District Collector
Tiruppur
Tiruppur District.

2.The Revenue Divisional Officer
Tiruppur, Tiruppur District.

3.The Deputy Director
Geology and Mining
Cotton Market Building
Palladam Road
Collectorate, Tiruppur.

+1CC to M/s.K.MyilSamy, Advocate, SR.No.31036

W.P.No.39186 of 2016

SSV (CO)
B.VC (18/08/2021)