



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.08.2021
CORAM
THE HON'BLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P. (MD)No.7849 of 2021

K.P.Nagarajan

.. Petitioner

-Vs-

1.The District Collector,
Ramanathapuram.

2. The Executive Engineer,
Public Works Department,
Mines and Monitoring Division, Chennai.

3.The Executive Engineer,
Public Works Department/Water Resources Department/
Mines and Minerals Department,
Tallakulam, Madurai.

4.The Assistant Director,
Department of Geology and Mines,
Ramanathapuram District.

5.The Tahsildar,
R.S.Mangalam Taluk,
Ramanathapuram District.

..Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to grant permission to carry the quarried sand using Bullock Carts from the government quarry situated in S.No.523, Pullamadai Group R.S.Mangalam Taluk, Ramanathapuram District, forthwith by considering the petitioner's representation dated 26.03.2021.

For Petitioner : Mr.AL.Kannan

For Respondents : Mr.D.Gandhiraj

Government Advocate

ORDER

Prayer sought for herein is for a Writ of Mandamus, that the petitioner has moving this writ petition seeking simple mandamus to the respondent to consider the representation of the petitioner dated 26.03.2021 wherein, the petitioner has sought for permission from the respondent to carry the quarried sand using Bullock carts from the Government quarry situated in S.No.523, Pullamadai Group R.S.Mangalam Taluk, Ramanathapuram District.



2. Reiterating the above, the learned counsel appearing for the petitioner seeks indulgence of this Court.

3. However, Mr.D.Gandhiraj, learned Government Counsel, on instructions, would submit that, first of all no quarrying permit is given to any individual for quarrying the sand. Insofar as carrying the quarried sand from the Government Depot, it is for the respondents to decide whether the private people like the petitioner using the Bullock Cart would be allowed or not, and in this regard, the petitioner's request may be considered and orders can be passed on merits and that should not give any impression to the petitioner that the petitioner may get any positive order.

4. I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

5. In view of the innocuous prayer sought for by the petitioner, where, only the representation of the petitioner, dated 26.03.2021 is expected to be considered and orders to be passed on merits by the respondents within the time frame that may be stipulated by this Court, having considered the said submissions made by the learned counsel appearing for both sides, this Court is inclined to pass the following order:

'that, there shall be a direction to the respondents to consider the representation of the petitioner dated 26.03.2021 and pass orders thereon on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that while considering the same, it is open to the respondents to take a decision in accordance with the policy of the Government to permit these kind of private people to carry even quarried sand and accordingly, decision can be taken.'

6. This writ petition is disposed of accordingly. However, there shall be no order as to costs.

Sd/-

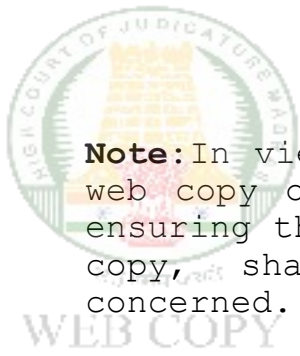
Assistant Registrar (CRL)

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/ /2021

Sub Assistant Registrar(CS)

PJL



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,
Ramanathapuram.

2. The Executive Engineer,
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Mines and monitoring Division,
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Ramanathapuram District.

+1 CC to M/s.GP (SR-25346[F] dated 05/08/2021)

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RD(13.08.2021) 3P 7C