



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2021

WEB COPY

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.19385 of 2021

Kurunchi Nagar Petchiamman,
Kalludaikkum Pengal Nala Sangam,
Rep. by its Secretary,
R.Panaiammal.

.. Petitioner

Vs.

The District Collector,
O/o. District Collectorate,
Madurai.

.. Respondent

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondent to provide experience certificate for doing quarry work for not less than two years based on the Experience Certificate issued by the Tahsildar, Melur Taluk on 03.11.2016 within the time limit that may be stipulated by this Court.

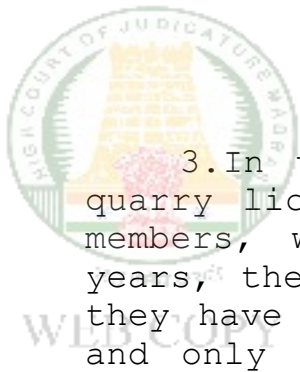
For Petitioner : Mr.G.M.Xavier

For Respondent : Mr.D.Ghandiraj
Government Advocate

ORDER

Prayer sought for herein is for a Writ of Mandamus, directing the respondent to provide experience certificate for doing quarry work for not less than two years based on the Experience Certificate issued by the Tahsildar, Melur Taluk on 03.11.2016.

2.The petitioner is an Association, it consists of 30 members, who had been working in stone quarry site for several years. In order to establish the said fact, the Tahsildar concerned, that is, the Tahsildar Melur, by proceedings, dated 03.11.2016 had issued a certificate stating that the members 30 in numbers of the petitioner-Association had been working in the stone quarry unit for several years.



3. In this context, it is to be noted that, for getting any quarry licence by the petitioner-Association consisting of these members, who had been working in the quarry site for several years, they must have produced the experience certificate, that they have worked in the quarry site for not less than two years and only on the basis of the certificate, such kind of quarry licence, that they can seek for, therefore, in order to get such certificate from the District Collector, on behalf of the members of the petitioner-Association, the petitioner-Association had been consistently making representations to the respondent-District Collector from the year 2016 and latest such representation or application had been given by the petitioner-Association on 23.08.2021 and 28.08.2021. Despite these representations having been given by the petitioner for getting experience certificate for its members, based on the certificate, which have already been given by the Tahsildar concerned in the year 2016, since no action has been taken and no orders have been passed by the respondent, the petitioner-Association has filed the present writ petition with the aforesaid prayer.

4. Heard Mr.G.M.Xavier, learned counsel appearing for the petitioner, who having reiterated the aforesaid, seeks indulgence of this Court to issue a direction to the respondent-District Collector to consider the request of the petitioner-Association for grant of experience certificate to its members.

5. Heard Mr.D.Ghandiraj, learned Government Advocate appearing for the respondent, who would submit that, the representations of the petitioner, dated 23.08.2021 and 28.08.2021 along with the other connected records, if any filed, would be considered by the respondent-District Collector and decide as to whether the members of the petitioner-Association would be entitled to get experience certificate, and accordingly, final orders would be passed in this regard. He would also submit that, a copy of these representations along with connected records may also be directed to be submitted by the petitioner-Association to the respondent-District Collector along with the copy of the order be passed by this Court, accordingly, the needful would be done, he contended.

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

7. In view of the afore-stated stand taken by the learned Government Advocate appearing for the respondent, this Court is inclined to dispose of this writ petition with the following order:



"that there shall be a direction to the respondent to consider the representations of the petitioner, dated 04.11.2016, 23.08.2021 and 28.08.2021 and pass the orders thereon with regard to the plea of the petitioner for grant of experience certificate to its members, by deciding the same on merits and in accordance with law, within the period of six weeks from the date of receipt of copy of this order."

8. In this regard the petitioner Association is also directed to send a copy of those representations along with the experience certificate proceedings issued by the Tahsildar concerned, dated 03.11.2016 and any another relevant documents in this regard along with a copy of this order to the respondent and on receipt of the same, the respondent shall do the needful as indicated above, within the time frame stipulated."

9. With these directions, the writ petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /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
The District Collector,
O/o. District Collectorate, Madurai.

+1 CC to M/s.SPL.GP (SR-33180[F] dated 29/10/2021)
+1 CC to M/s.G.M.XAVIER, Advocate (SR-33150[F] dated 29/10/2021)

W.P. (MD) No.19385 of 2021
28.10.2021

RD/JC (12/11/2021) 3P 4C

<https://hcservices.ecourts.gov.in/hcservices/>