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THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2022

CORAM

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No. 243 of 2022
and
WMP.No.274 of 2022

S.Venkatachalam

.. Petitioner

Versus

1. The District Collector,
Coimbatore District.
2. The Assistant Director of
Geology and Mining,
Office of District Collector,
Coimbatore.

.. Respondents

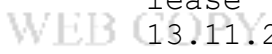
Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 25.12.2021 and grant permission to quarry rough stone/gravel for further period of one year and 9 months from 06.03.2022 with respect to petitioner's stone quarry land comprised in S.F.no.66/2 (part) and 66/3 over an extent of 1.84.0 hec in Thirumalauampalayam Village, Madukkarai Taluk, Coimbatore District pending disposal of the above said writ petition.

For Petitioner : Mr. M.Muthappan

For Respondents : Mrs.C.Sangamithirai R1
Special Government Pleader
Mr. B.Vijay R2
Additional Government Pleader

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 25.12.2021 and grant



2. The case of the petitioner is that he applied for quarry lease in patta land to quarry rough stone and gravel on 13.11.2014 and obtained necessary report from mining and revenue department. Due to the same, the District collector has granted permission to run the quarry for the period of five years from 07.03.2017 to 06.03.2022. While so, the second respondent directed to stop the quarrying operation on the ground that there is a complaint petition from the neighboring institution which is 300 meters away from the quarry area. The petitioner has made representation on 20.11.2017 and 30.12.2017 to issue necessary transport permit on payment of necessary charges. Hence, the petitioner filed a writ petition in W.P.No.2796 of 2018 to directing the respondents to issue transport permit. This Court, while disposing the petition, direct the District collector to pass appropriate orders within a period of eight weeks. For compliance of the order, the District collector, vide proceedings dated 28.05.2019 permitted the petitioner to continue the quarry operation. However, the petitioner has been prevented from quarrying operation for the period of one year and nine months as there was no fault on him. Hence, the petitioner made a representation dated 25.12.2021 to the respondents with the above said prayer.

4. The learned Additional Government Pleader and the learned Additional Government Pleader appearing on behalf of the respondents submitted that if there is any provision available in favour of the petitioner, the respondents will consider the representation and orders will be passed within the stipulated time as fixed by this Court.

6. Considering the facts and circumstances of the case and also having regard to the submissions made by the Learned counsel appearing on either side, this Court direct the respondents to consider the petitioner's representation dated 25.12.2021 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.



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7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

Rli

To

1. The District Collector,
Coimbatore District.
2. The Assistant Director of
Geology and Mining,
Office of District Collector,
Coimbatore.

+1cc to Mr.M.Muthappan, Advocate, S.R.No.2105

+1cc to the Government Pleader, S.R.No.2713

W.P. No. 243 of 2022
and
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MT (CO)
SU (10/02/2022)