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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No.9863 of 2022

M/s.K.A.M.Mines and Minerals
Rep.by its Proprietor
A.Muthukumar

...Petitioner

Vs.

1. The Commissioner,
Geology and Mining Department,
Guindy,
Chennai - 600 032.

2. The Assistant Director,
Geology and Mining Department,
Nagapattinam District.

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to forward the Scheme of Mining Plan (including Environmental Management Plan and Mine Closure Plan) submitted on 1.03.2022 for Silica Mining as per Rules 41 (9)(i) and 42 of the Tamil Nadu Minor Mineral Concession Rules 1959 to the 1st respondent for further action in respect of the petitioners silica sand Quarry to an extent of 3.06 Hectares comprised in S.No. 2/6 17/4A and 18/5 situate at Thagattur Village of Vedaranyam Taluk Nagapattinam District.

For Petitioner : Mr.K.R.Krishnan

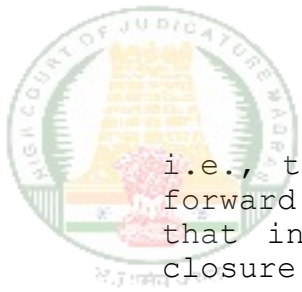
For Respondents: Mr.B.Vijay

Addittional Government Pleader

O R D E R

Mr.B.Vijay, learned Additional Government Pleader accepts notice for the respondents in this writ petition.

2. This writ petition is premature, seeing as the prayer of the petitioner is for a mandamus directing the second respondent



i.e., the Assistant Director, Geology and Mining Department, to forward a scheme submitted by the petitioner for a mining plan that includes environment and management plan as per the mine closure plan, submitted on 01.03.2022 for silica mining.

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3. Seeing as the request of approval of the scheme has been made on 01.03.2022, this Court is of the categorical view that the petitioner ought to have awaited processing of the application, affording R2 enough time to consider the same in accordance with law and take a decision as per the relevant rules and regulations.

4. Be that as it may, Mr.Vijay would assure the Court that the application is under process and an order will be passed in this regard after hearing the petitioner, as appropriate, taking note of all relevant facts and circumstances as may be relevant and in accordance with law and rules and regulations, as expeditiously as possible. Thus it would suffice that a time limit be fixed in this regard, which the Court fixes as eight (8) weeks from today.

5. This writ petition is disposed in the aforesaid terms. No Costs.

Sd/-

Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar

nst/ska

To

1. The Commissioner,
Geology and Mining Department,
Guindy,
Chennai - 600 032.

2. The Assistant Director,
Geology and Mining Department,
Nagapattinam District.

+1cc to Mr.K.R.Krishnan, Advocate SR.No.26840

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EV(CO)
GMY(13/05/2022)