



WEB COPY



W.P.No.31264 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.31264 of 2022

N.Gomathi

...Petitioner

Vs

The District Collector,
Tirupur District,
Tirupur.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent to forthwith grant quarrying permit to the petitioner to quarry rough stone in the Patta land of the petitioner in Survey No.96/1A, Morattupalayam, Uthukuli Taluk, Tiruppur District, by considering and passing necessary order on the application of the petitioner dated 26.09.2017.

For Petitioner : Mr.S.Indrajit
for Mr.K.Selvaraj

For Respondent : Mr.K.Karthik Jagannath,
Government Advocate



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ORDER

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2. The petitioner, in order to get quarry license for quarrying rough stone of the patta land in Survey No.96/1A, Morattupalayam, Uthukuli Taluk, Tiruppur District, had made an application to the respondent on 26.09.2017. Thereafter, even though some correspondence has been taken place between the parties, so far the application has not been considered and the permission sought for by the petitioner has not been given. Therefore, the petitioner has approached this Court by filing this writ petition.

3. Heard Mr.S.Indrajit, learned counsel appearing on behalf of the petitioner, who would submit that, since the application of the petitioner has been kept pending by the respondent without saying any reason for having kept it pending for 5 years, a direction may be issued by this Court by way of a Mandamus.



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4. Heard Mr.K.Karthik Jagannath, learned Government Advocate, who on instructions, would submit that, the petitioner has to get State Level Impact Assessment Certificate/No Objection Certificate to that effect and produce the same before the respondent. However, the petitioner has not obtained the said certificate and produced before the respondent and that is the reason, the application of the petitioner has been kept pending. Therefore, if the petitioner is able to produce the impact certificate from the State Level Authorities before the respondent, the application of the petitioner will be considered and decided on merits, within a time frame to be stipulated by this Court, he contended.

5. Considering the submissions made by the learned counsel for the petitioner as well as the learned Government Advocate and having regard to the facts and circumstances of the case, this Court is inclined to dispose of this writ petition with the following orders:

- (i) There shall be a direction to the respondent to consider the application given by the petitioner dated 26.09.2017 and decide it on merits and in accordance



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with law, within a period of 8 weeks from the date of receipt of a copy of this order.

(ii) It is made clear that if the petitioner is not producing the certificate, as referred above, from the State Level Impact Assessment Authorities, based on which also the application of the petitioner can be disposed by the respondent within the time frame, as indicated above.

6. With this direction, the writ petition is disposed of. No costs.

24.11.2022

Index: Yes/No
Speaking Order/Non-speaking order
hvk

To

The District Collector,
Tirupur District,
Tirupur.



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R.SURESH KUMAR,J.

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