



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2022

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.3211 of 2022

JSR Infra Developers Private Limited
and MS (Joint Venture),
Represented by
M.S.Vijaya Ragul,
JV Partner.

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Assistant Director of Geology and Mining,
Thoothukudi District,
Thoothukudi.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the first respondent to grant sufficient time to quarry the remaining quantity of 13280 Meter Cube of gravel from Keelapuliyankulam Tank in Sy.No.613 situated at Srimoolakkarai Village, Srivaikundam Taluk, Thoothukudi District as per the proceedings of the first respondent in Na.Ka.No.Ji.M.1/512/2021 dated 10.11.2021 for the execution of Upgrading of Tiruchendur - Palayamkottai - Ambasamudram Road (SH40-I) from Km 0/750 to Km 25/600 to Km 51/310 including construction of bypass from Km 25/600 to Km 38/550 for a length of 12.95 Km and maintenance of entire project stretch design length of 50.590 km for 7 years (in the State of Tamil Nadu on Engineering, Procurement and Construction (EPC) Mode) based on the petitioner's representation dated 10.02.2022.

For Petitioner : Mr.F.Deepak

For Respondents : Mr.P.Tilak Kumar
Government Pleader.



ORDER

This Writ Petition has been filed for a Mandamus, seeking for a direction to grant sufficient time to quarry the remaining quantity of 13280 Meter Cube of gravel from Keelapuliyankulam Tank in Survey No.613 situated at Srimoolakkarai Village, Srivaikundam Taluk, Thoothukudi District as per the proceedings of the first respondent dated 10.11.2021 for the execution of upgrading of Tiruchendur - Palayamkottai - Ambasamudram Road (SH40-I) from km 0/750 to km 25/600 to km 51/310 including construction of bypass from km 25/600 to km 38/550 for a length of 12.95 km and maintenance of entire project stretch design length of 50.590 km for 7 years (in the State of Tamil Nadu on Engineering, Procurement and Construction (EPC) Mode) based on the petitioner's representation dated 10.02.2022.

2. The case of the petitioner is that due to heavy rains during the months of November and December 2021, he was unable to remove gravel from the aforesaid places as stipulated under the Work Order dated 26.02.2021. As per the permission granted by the District Collector, Thoothukudi District, the petitioner will have to complete removing the gravel within a period of three (3) months. Due to heavy rains in the months of November and December 2021, it is the case of the petitioner that he was unable to complete removing the gravel within the stipulated period of three months. In such circumstances, he has given a representation on 10.02.2022 to the first respondent. Since the representation has not been considered till date, he has filed this Writ Petition.

3. Heard Mr.F.Deepak, learned counsel for the petitioner and Mr.P.Tilak Kumar, learned Government Pleader who accepts notice on behalf of the respondents.

4. The petitioner has been awarded the contract of removing the gravel which is meant for the execution of the National Highways project. Admittedly, the permission granted to the petitioner was on 10.11.2021, which falls in the monsoon season. The petitioner has pleaded that only due to heavy rains, he was unable to remove the gravel within a period of three (3) months from 10.11.2021.

5. Being monsoon season, the reason given by the petitioner is acceptable to this Court. Further, the gravel is meant for National Highways project. After giving due consideration of the same, this Court deems it fit to issue a positive direction in favour of the petitioner as prayed for in this Writ Petition. The learned Government Pleader appearing for the respondents has also not raised any serious objection for allowing this Writ Petition.

6. Accordingly, this Court directs the first respondent to grant two (2) more months' time in addition to the time granted in the proceedings dated 10.11.2021 for the petitioner to complete



removing the gravel from Keelapuliyankulam Tank in Survey No.613 situated at Srimoolakkarai Village, Srivaikundam Taluk, Thoothukudi District.

7. In terms of the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

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,
Thoothukudi District,
Thoothukudi.

2.The Assistant Director of Geology and Mining,
Thoothukudi District,
Thoothukudi.

+1 CC to M/s.F.DEEPAAK, Advocate (SR-10240[F] dated 07/03/2022)

+1 CC to M/s.SPL GP (SR-10320[F] dated 07/03/2022)

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