



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.3802 of 2022

G.Muppidathi

... Petitioner

Vs.

1.The District Collector,
Tenkasi,
Tenkasi District.

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

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to grant permission for quarrying earth/gravel in S.F.No.151(P) situated in Vadikottai Village, Sankarankovil Taluk, Tenkasi District measuring 4.73.0 hectare and consequently issue transit pass on the basis of the clearance given by the State Level Environment Impact Assessment Authority (SEIAA).

For Petitioner	:	Mr.R.J.Karthick
For Respondents	:	Mr.P.Tilak Kumar Government Pleader.

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to grant permission for quarrying earth/gravel in S.F.No.151(P) situated in Vadikottai Village, Sankarankovil Taluk, Tenkasi District, measuring an extent of 4.73.0 hectares and consequently, issue transit pass on the basis of the clearance given by the State Level Environment Impact Assessment Authority (SEIAA).

2. The petitioner claims that he has applied for permission for quarrying earth/gravel in the aforementioned property and for issuance of transit pass on the basis of the clearance given by the State Level Environment Impact Assessment Authority (SEIAA) under his application dated 13.06.2019 submitted to the respondents. Since the said application has not been considered till date, he has filed this Writ Petition.



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

4. Learned counsel for the petitioner, at the outset, would submit that even though positive directions have been sought for in this Writ Petition, the petitioner is satisfied, if his application dated 13.06.2019, seeking for permission for quarrying earth/gravel in the aforementioned property and for consequential issuance of transit pass, is considered on merits and in accordance with law in the light of the Annexure-II of G.O.(Ms).No.49, Housing and Urban Development (UD2.2) Department, dated 24.03.2003 and G.O.(Ms).No.44, Planning and Development (TCII) Department dated 02.04.1990.

5. No prejudice would be caused to the respondents, if the petitioner's application seeking for permission for quarrying earth/gravel in the aforementioned property and for consequential issuance of transit pass, is considered on merits and in accordance with law in the light of the aforementioned Government Orders, after affording a fair hearing to the petitioner including granting him the right of personal hearing.

6. Accordingly, this Court directs the second respondent to consider the petitioner's application dated 13.06.2019 followed by his representation dated 02.02.2022 seeking permission for quarrying earth/gravel in S.F.No.151(P) situated in Vadikottai Village, Sankarankovil Taluk, Tenkasi District, measuring an extent of 4.73.0 hectares and for issuance of transit pass on the basis of the clearance given by the State Level Environment Impact Assessment Authority (SEIAA), in the light of the Annexure-II of G.O.(Ms).No.49, Housing and Urban Development (UD2.2) Department, dated 24.03.2003 and G.O.(Ms).No.44, Planning and Development (TCII) Department dated 02.04.1990 and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner including granting him the right of personal hearing and also permitting him to produce all the documents in support of his case, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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,
Tenkasi,
Tenkasi District.

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

+1 CC to M/s.R.J.KARTHICK, Advocate (SR-12290[F] dated 15/03/2022)

+1 CC to M/s.SPL GP (SR-12189[F] dated 15/03/2022)

**W.P. (MD) .No.3802 of 2022
14.03.2022**

sr(CO)
TR(25.03.2022) 3P 5C