



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.6519 of 2022

M.M.Murugan

.. Petitioner

Vs

1.The District Collector,
District Collectorate Building,
Theni District, Theni - 625 531.

2.The Assistant Director,
Department of Geology and Mining,
2nd Floor in District Collectorate Building,
Madurai Road, Theni District - 625 531.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider petitioner's representation, dated 16.06.2021.

For Petitioner : Mr.K.Sudalaiyandi

For Respondents : Mr.P.Thilak Kumar
Government Pleader

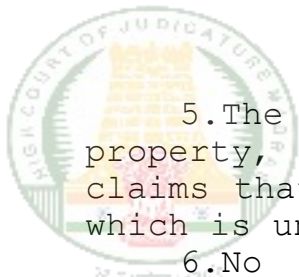
ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to consider the petitioner's representation, dated 16.06.2021, requesting the respondents not to grant mining licence to one Mr.Bose S/o Kalyani Thevar.

2.According to the petitioner, he is a cultivating tenant in the property, where mining licence is sought for by Mr.Bose. In such circumstances, he has given a representation on 16.06.2021, to the respondents, requesting them not to issue mining licence to Mr.Bose. Since his representation has not been considered till date, he has filed this writ petition.

3.Heard Mr.K.Sudalaiyandi, learned counsel appearing for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the respondents.

4.On instructions, the learned Government Pleader would submit that with regard to the mining licence sought for by Mr.Bose is concerned, the second respondent is waiting for Tahsildar's report and his mining licence application is being processed. The said statement is recorded.



5.The petitioner claims that he is a cultivating tenant in the property, for which Mr.Bose, applied for mining licence. He also claims that illegally Mr.Bose obtaining mining licence in his land, which is under his occupation.

6.No prejudice will be caused, if the petitioner's representation is considered by the second respondent on merits and in accordance with law, after affording a fair hearing to the petitioner and any other necessary parties including Mr.Bose.

7.For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation, dated 16.06.2021, requesting the second respondent not to grant mining licence in favour of Mr.Bose and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and other necessary parties, including Mr.Bose, within a period of eight weeks from the date of receipt of a copy of this order.

8.With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

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,
District Collectorate Building,
Theni District, Theni - 625 531.

2.The Assistant Director,
Department of Geology and Mining,
2nd Floor in District Collectorate Building,
Madurai Road, Theni District - 625 531.

+1 CC to M/s.N. VALLINAYAGAM, Advocate (SR-17684[F] dated 11/04/2022)

+1 CC to M/s.SPL.GP (SR-17929[F] dated 11/04/2022)

W.P. (MD)No.6519 of 2022

08.04.2022

MGJ(21.04.2022) 2P 5C

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