



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.6694 of 2022

and

W.M.P.[MD]No.5174 of 2022

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T.Prabhu

... Petitioner

Vs.

1.The District Collector,
O/o. The District Collector,
Sivagangai,
Sivagangai District.

2.The Assistant Director,
(Geology and Mining),
Sivagangai District,
Sivagangai.

3.The Tahsildar,
O/o. The Tahsildar,
Karaikudi,
Sivagangai District.

... Respondents

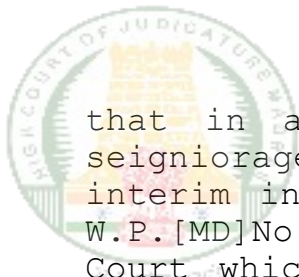
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first and second respondents to extend the time limit for excavating and transporting the gravel sand from the land in Survey Nos.105/5A and 106/5B, situated at Malaikandan Village, Karaikudi Taluk, Sivagangai District, in pursuance of the order passed by the first respondent vide e.f.vk;2/427/2019 dated 06.02.2020.

For Petitioner	: Mr.D.Shanmugaraja Sethupathi
For Respondents	: Mr.P.Thilak Kumar
	Government Pleader

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the first and second respondents to extend the time limit for excavating and transporting the gravel sand from the lands in Survey Nos.105/5A and 106/5B, situated at Malaikandan Village, Karaikudi Taluk, Sivagangai District, pursuant to the order dated 06.02.2020, passed by the first respondent.

2.According to the petitioner, he had obtained a valid permit permitting him to transport the gravel sand from the lands in Survey Nos.105/5A and 106/5B, situated at Malaikandan Village, Karaikudi Taluk, Sivagangai District, based on the order passed by the first respondent, dated 06.02.2020. It is also the case of the petitioner



that in accordance with the said order, he has also paid the seigniorage fee on 12.02.2020. According to the petitioner, an interim injunction was granted in a Public Interest Litigation in W.P.[MD]No.3695 of 2020 on 24.02.2020, by the Division Bench of this Court which prevented the petitioner from transporting the gravel sand.

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3.It is also the case of the petitioner that he had filed a vacate injunction petition in W.M.P.[MD]No.9096 of 2021 in W.P.[MD]No.3695 of 2020, immediately on receipt of the injunction order. According to the petitioner, by order dated 03.03.2022, the Public Interest Litigation namely W.P.[MD]No.3695 of 2020 was dismissed as withdrawn. In such circumstances, the petitioner has sought for extension of time to excavate and transport the gravel sand from his aforementioned lands as earlier only 25 days time was granted.

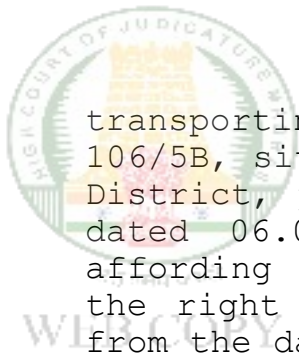
4.Heard Mr.D.Shanmugaraja Sethupathi, learned Counsel appearing for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader who accepts notice on behalf of the respondents.

5.Learned Government Pleader appearing for the respondents would submit that only based on the directions given by the Division Bench of this Court on 12.02.2021, in a batch of writ petitions in W.P.[MD]No.20903 of 2016 etc., batch, the petitioner has not been granted extension. He drew the attention of this Court to the various directions issued by the Division Bench of this Court in the aforementioned writ petitions.

6.However, learned Counsel for the petitioner would submit that those directions are not applicable to the petitioner. According to him, the petitioner is only seeking for transportation of the gravel and is not seeking for grant of quarry lease. According to him, having been granted permission already to transport the gravel and having paid the seigniorage fees and being prevented for no fault of his, the petitioner must be granted extension as sought for in this writ petition. The petitioner has already given a representation for the said purpose on 31.03.2022. Only due to the fact that the said representation has not been considered, the petitioner has filed this writ petition.

7.No prejudice would be caused to the respondents if the petitioner's representation dated 31.03.2022 is considered on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing within a time frame to be fixed by this Court.

8.For the foregoing reasons, this Court directs the second respondent, who is the competent authority for issuing permit, to pass final orders on the petitioner's representation dated 31.03.2022 seeking for extension of time for excavating and



transporting the gravel sand from the lands in Survey Nos.105/5A and 106/5B, situated at Malaikandan Village, Karaikudi Taluk, Sivagangai District, pursuant to the direction issued by the first respondent dated 06.02.2022, on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing within a period of eight [8] weeks from the date of receipt of a copy of this order. The petitioner is permitted to produce all relevant documents / records to substantiate his case before the second respondent.

9.With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

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/ /2022

Sub Assistant Registrar(CS)

MR

To

1.The District Collector,
O/o. The District Collector,
Sivagangai,
Sivagangai District.

2.The Assistant Director,
(Geology and Mining),
Sivagangai District,
Sivagangai.

3.The Tahsildar,
O/o. The Tahsildar,
Karaikudi,
Sivagangai District.

+1 CC to M/s.D. SHANMUGARAJA SETHUPATHI, Advocate (SR-18010[F]
dated 12/04/2022)

+1 CC to M/s.SPL.GP. (SR-18112[F] dated 12/04/2022)

W.P.[MD]No.6694 of 2022
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SG(CO)

KB(25.04.2022) 3P 6C