



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.10002 of 2022

and W.M.P. (MD) .No.7127 of 2022

WEB COPY

C.Jayakumar.

... Petitioner

Vs.

1.The District Collector,
Kanniyakumari District,
Collectorate,
Kanniyakumari.

2.The Assistant Director of Geology and Mining,
Department of Mines,
Kanniyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to accord renewal of the mining permission/licence in respect of the petitioner's patta land in R.S.No.881/3, Thiruvattar Village, Thiruvattar Taluk, Kanniyakumari District, within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Athiff
For Respondent : Ms.D.Farjana Ghousia
Special Government Pleader
Mr.Mohideen Basha
for Mr.Srikumar

ORDER

This writ petition has been filed for a Mandamus seeking for renewal of the mining permission/licence in respect of the petitioner's patta land in R.S.No.881/3, Thiruvattar Village, Thiruvattar Taluk, Kanniyakumari District, within the time frame to be fixed by this Court, based on the petitioner's representation, dated 08.05.2022.

2.Heard Mr.M.Mahaboob Athiff, learned counsel appearing for the petitioner and Ms.D.Farjana Ghousia, learned Special Government Pleader, who accepts notice on behalf of the respondents.

3.It is the case of the petitioner that he was granted mining licence in the year 2009. The petitioner seeks for renewal of the said licence and has submitted an application on 08.03.2021. Thereafter, he has also given a representation on 08.05.2022 to the respondents.



4.Mr.M.Mohideen Basha, learned counsel representing one Mr.Sreekumar, Managing Trustee of Centre for the Educare and Research Charitable Trust, who is the brother of the petitioner, opposes the grant of renewal of mining licence in favour of the petitioner. He claims that he is the neighbour and the petitioner has not obtained renewal earlier, even though the licence was granted to him in the year 2009. He also claims that the Centre for Educare and Research Charitable Trust is running a School in the adjoining area.

5.No prejudice will be caused to any of the parties, if the petitioner's application and representation, seeking for renewal of mining permission/licence is considered on merits and in accordance with law, after affording a fair hearing to all the necessary parties, including the Centre for Educare and Research Charitable Trust represented by its Managing Trustee Mr.Sreekumar.

6.For the foregoing reasons, this Court directs the first respondent to pass final orders on the petitioner's application, dated 08.03.2021, followed by his representation, dated 08.05.2022, seeking for renewal of his mining permission/licence in respect of the petitioner's patta land in R.S.No.881/3, Thiruvattar Village, Thiruvattar Taluk, Kanniyakumari District, within a period of twelve weeks from the date of receipt of a copy of this order, after affording a fair hearing to the petitioner and the Centre for Educare and Research Charitable Trust representing by its Managing Trustee Mr.Sreekumar and any other necessary party, whom the first respondent deems fit to enquire.

7.With the aforesaid directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Vacation
Officer)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

To

1.The District Collector,
Kanniyakumari District,
Collectorate, Kanniyakumari.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Assistant Director of Geology and Mining,
Department of Mines,
Kanniyakumari District.

+1 CC to M/s.N. MOHABOOB ATHIEF, Advocate (SR-24007[F] dated
23/05/2022)

+1 CC to M/s.SPL.GP (SR-24068[F] dated 23/05/2022)

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20.05.2022

RD(02.06.2022) 3P 5C