



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2022

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.23211 of 2021

and

W.M.P. (MD) .No.19639 of 2021

WEB COPY

A.Desika Sankar

... Petitioner

Vs.

The District Collector,
Collectorate Campus,
Kanyakumari,
Kanyakumari District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the respondent to pass order upon the petitioner Application dated 14.12.2021 for Registration of Brick Kiln Under Rule 19 (2) (a) of the Tamil Nadu Minor Mineral Concession Rules 1959 for the petitioner Brick Kiln situated at S.No.831/6 at Marungoor Village, Agastheeswaram Taluk, Kanyakumari District within the time frame stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Fazil,
For M/s.T.Lajapathi Roy.
For Respondent : Mr.N.Satheesh Kumar,
Additional Government Pleader.

ORDER

The petitioner had given an application on 14.12.2021 for registration of the petitioner as a Brick Kiln under Rule 19(2) (a) of the Tamil Nadu Minor Mineral Concession Rules 1959. The said Brick Kiln which the petitioner intends to run is situated at Survey No.831/6 at Marungoor Village, Agastheeswaram Taluk, Kanyakumari District.

2. Heard Mr.M.Mohaboob Fazil, learned counsel for the petitioner and also Mr.N.Satheesh Kumar, learned Additional Government Pleader who have taken notice on behalf of the respondent.

3. My attention is drawn to the representation aforementioned dated 14.12.2021 and it is stated that with respect to the land of registration of the Brick Kiln, the respondent would pass necessary order in manner known to law within a reasonable period of time. However in the representation, it is also stated that the petitioner is also ready to pay requisite brick mineral annual fee as determined by the competent authority.



4. It is pointed out by Mr.N.Satheesh Kumar, learned Additional Government Pleader that there has been an amendment in the regulations and therefore, this particular request by the petitioner that they would come forward to pay the requisite brick mineral annual fee cannot be directly considered/ by the respondent herein. At any rate, the respondent is under an obligation to examine the representation given by the petitioner and proceed in manner known to law, enquire the petitioner, enquire the facts relating to the nature of procurement of the Bricks and the source from which the petitioner seeks to procure the brick and thereafter pass necessary order on the representation within a period of sixteen (16) weeks from the date of receipt of a copy of this order.

5. The respondent is at liberty to even grant part of the sanction sought in the representation and give reasons on any other aspect which is not considered by them. Let detailed order be passed within a period of sixteen (16) weeks from the date of receipt of a copy of this order.

6. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Nsr

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

The District Collector,
Collectorate Campus,
Kanyakumari,
Kanyakumari District.

+1 CC to M/s.SPL.GP (SR-171[F] dated 04/01/2022)

AP (20.01.2022) 2P 3C

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