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W.P. No.6251 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

WP No.6251 of 2020
and
WMP.No.7365 of 2020

J. Ravi ... Petitioner

vs.

1. The District Collector,
Thiruvallore District.

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

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to issue necessary proceedings in favour of the petitioner to quarry 4860 lorry loads of savudu in PWD tank comprised in S. No.216 of Magral Village, Tiruvallur Taluk, Tiruvallur District for the period of 50 days pursuant to the petitioner's application dated 01.10.2013.

For Petitioner : Mr.M.Muthappan
For Respondents : Mr.V. Manoharan
Addl. Govt. Pleader



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ORDER

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This writ petition has been filed for a Mandamus seeking for a direction to the 1st respondent to issue necessary proceedings in favour of the petitioner to quarry 4860 lorry loads of savudu in PWD tank comprised in S. No.216 of Magral Village, Tiruvallur Taluk, Tiruvallur District for the period of 50 days pursuant to his application dated 01.10.2013.

2. It is the case of the petitioner that he has submitted an application before the respondents seeking permission to remove 4860 lorry loads of Savudu in PWD Tank as early as on 01.10.2013. Subsequently, he obtained Environment Clearance Certificate from the officials concerned. It is averred that pursuant to directions issued by this Court on 07.12.2016 in W.P. No.42734 of 2016, as well as based on the recommendations of the Special Committee constituted under amended Rule 12, the 1st respondent has to pass orders on his application. However, till date, the 1st respondent neither considered the petitioner's application, dated 01.10.2013 nor issued any Proceedings in the above regard. In such circumstances, this writ petition has been filed seeking for issuance of appropriate directions.

3. Learned counsel for the petitioner submitted that the application



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of the petitioner has not been considered by the respondents, till date. He drew the attention of this Court to G.O. Ms. No.244, dated 14.12.2022 as well as Notifications with regard to amendment to Tamil Nadu Minor Mineral Concession Rules, 1959 and submitted that though very many grounds have been raised in this Writ Petition, that it would suffice if this Court issues direction to the 1st respondent to consider the petitioner's application, dated 01.10.2013 and pass orders on merits within a time frame to be fixed by this Court.

4. The learned Government Advocate appearing for respondents 1 & 2 submitted that Savudu quarry operations have not been permitted in the said place. However, he fairly conceded that it is the duty of the respondents to consider the representation and pass appropriate orders.

5. Heard the learned counsel on both sides and perused the materials available on record.

6. In view of the aforesaid submissions, this Court, without expressing any opinion on the merits of the case directs the 1st respondent to consider the petitioner's application dated 01.10.2013 and pass appropriate orders, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order, after providing an opportunity to the petitioner.



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7. With the aforesaid directions, this writ petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

13.06.2023

Internet : Yes/No

Index: Yes/No

Speaking order/Non-speaking order

vsi2

To

1. The District Collector,
Thiruvallore District.

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

M.DHANDAPANI, J.

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