



WEB COPY

W.P.No.29445



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.10.2023

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.29445 of 2023

M.Kalidoss

... Petitioner

Vs

1. The District Collector,
Chengalpattu District,
Chengalpattu.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to grant permission to the petitioner to quarry 5000 lorry loads of ordinary earth in S.F.No.192(P) in Kondamangalam Village, Chengalpattu Taluk, Chengalpattu District within the time prescribed by this Hon'ble Court.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.J.C.Durairaj

Additional Government Pleader

ORDER

Mr.J.C.Durairaj, learned Additional Government Pleader accepts notice for the respondents and is armed with instructions to enable final disposal of this matter, even at the stage of admission.



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2. The petitioner seeks a mandamus to the respondents to grant permission to him to quarry 5000 lorry loads of ordinary earth in S.F.No.192(P) in Kondamangalam Village, Chengalpattu Taluk, Chengalpattu District.

3. The history of the matter is that such permission had been sought for by the petitioner even as early as on 11.07.2012. At that time, Rule 12 of the Tamil Nadu Minor Mineral Concession Rules, 1959 (in short 'Rules') had been amended vide G.O.Ms.No.233 Industries (MMC2) Department dated 23.09.2015, in terms of which, the grant of permission for removal of ordinary earth would be only on the basis of a recommendation of a Special Committee constituted under the said Rule.

4. The petitioner had approached this Court by way of Writ Petition in W.P.No.9855 of 2017 seeking a direction to the District Collector to forward his application to the Special Committee. That Writ Petition was ordered on 19.09.2017 directing the authorities to pass orders on his application. However, no orders appear to have been passed and the petitioner also did not seriously pursue the matter in light of a ban that was imposed upon quarrying in the districts of Kancheepuram, Thiruvallur and Chennai.

5. The petitioner now relies upon a recent amendment to the Rules by way of G.O.Ms.244 Industries Department dated 14.12.2022, whereunder the



prohibition imposed by way of ban on quarrying stands removed. The petitioner believes that there is no impediment for him to carrying on quarry operations and has made a representation on 08.09.2023 seeking the same relief as sought for before this Court, before the first respondent/District Collector. The representation has been received by the office of the District Collector on 09.09.2023.

6. In the aforesaid circumstances, I am of the view that it would be appropriate that a direction is issued to the first respondent/District Collector, Chengalpattu District to consider the representation of the petitioner and pass orders on the same in accordance with law having regard to the Rules as well as relevant Government orders and after hearing the petitioner, within a period of four (4) weeks from date of receipt of a copy of this order and mandamus is so issued.

7. This Writ Petition is disposed in the aforesaid terms. No costs.

12.10.2023

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Index : Yes / No

Speaking Order:Yes

Neutral Citation:Yes



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DR.ANITA SUMANTH, J.

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To

1. The District Collector,
Chengalpattu District,
Chengalpattu.
2. The Assistant Director of Geology and Mining,
Chengalpattu District,
Chengalpattu.

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