



W.P. No. 34431 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 34431 of 2023

and

W.M.P. No. 34348 of 2023

Vasanthi

... Petitioner

-VS-

1. The District Collector
District Collectorate
State Bank Road, Coimbatore.
2. The Commissioner
The Director of Town and Country Planning
Fourth Floor
807, Anna Salai
Chennai – 600 002.
3. The Assistant Director
Department of Geology and Mining
District Collectorate
Coimbatore – 641 018.
4. The member Secretary
The Coimbatore Local Planning Authority
Corporation Shopping Complex
Sivananda Colony, Coimbatore – 641 012.
5. The Commissioner
Madhukkarai Town Panchayat
218-A, Palakkad Main Road
Mudukkarai, Coimbatore-641 105.



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6. The Tahsildar
Madhukkarai Taluk
Coimbatore – 641 105.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to consider Petitioner representation dated 28.08.2023 and not grant any layout approval within the prohibited distance of 300 m from the Petitioner's stone quarry comprising in Survey No. 505 and 506/2 of Madukkarai Village, Coimbatore District, in violation of the Tamil Nadu Minor Mineral Concession Rules, 1959.

For Petitioner : Mr. M.Vijaya Mehanath

For Respondents : Mr. U.Baranidharan,
Additional Government Pleader
(for R1 to R4 & R6)

Mr. Karthik Jagannath (for R5)

ORDER

Heard Mr. M.Vijaya Mehanath, Learned Counsel for the Petitioner and Mr. U.Baranidharan, Learned Additional Government Pleader appearing for the First to Fourth Respondents, Fourth and Sixth Respondents and Mr. Karthik Jagannath, Learned Counsel appearing for the Fifth Respondent and perused the materials placed on record, apart from the pleadings of the parties.



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2. The Petitioner claims to have obtained quarrying permit for Survey No. 505 and 506/2 of Madukkarai Village, Coimbatore district. The grievance ventilated by her is that she had made a representation dated 28.08.2023 not to grant layout approval for the neighbouring land, which is in violation of Rule 36(1) of the Tamil Nadu Minor Minerals Concession Rules, 1959, and clause (3) of Annexure XVII to the Tamil Nadu Combined Development and Building Rules, 2019, but as it did not evoke any response, it has necessitated the filing of this Writ Petition.

4. Learned Additional Government Pleader appearing for the Respondents, on instructions, states that the Fourth Respondent is the competent authority to pass orders on the said representation.

5. Having regard to the aforesaid submissions made, this Court without expressing any view on the merits of the controversy involved, passes the following order:-

(i) the Fourth Respondent shall immediately examine the representation dated 28.08.2023 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;



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- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner or concerned persons requiring the same to be furnished within a time frame of not less than 10 working days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;
- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated under written acknowledgment; and
- (v) the report of such compliance shall be filed by 30.06.2024 before the Registrar (Judicial) of the Court.

In the result, the Writ Petition is disposed on the aforesaid terms. Consequently, connected Miscellaneous Petition is closed. No costs.

21.12.2023

Index: Yes/No

NCC: Yes/No

Note: Issue order copy by 20.02.2024.

Maya



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To

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6. The Tahsildar
Madhukkarai Taluk
Coimbatore – 641 105.

Copy to

1. The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.
2. Vasanthi
W/o. Ponnusamy
18, Anbu Nagar,
Madukkarai Market,
Coimbatore – 641 105.



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P.D. AUDIKESAVALU, J.

Maya

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