



W.P(MD)No.1991 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1991 of 2023

S.Britto Santhakumar

... Petitioner

Vs

1.The District Collector,
Kanyakumari at Nagercoil.

2.The Assistant Director of Geology & Mining,
District Collectorate,
Kanyakumari District at Nagercoil.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to consider the representation dated 02.01.2023 and 24.01.2023 submitted by the petitioner under Rule 44 of Tamilnadu Minor Mineral Concession Rules, 1959 for grant of short term permission for extracting earth for reclamation of agriculture land by removing the earth and transport the same from the property comprised in S.Nos. 52/1, 52/2, 52/6, 53/4A, 53/4B, 53/12, 53/13, 53/14, 53/6, 53/17, 53/18, 54/21, 55/9 6U measuring an extent of 2 acre 46 1/2 cents situated at Mandaikkadu Village, Kalkulam Taluk, Kanyakumari District on payment due seigniorage fee.



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For Petitioner : Mr.Sricharan Rangarajan
Senior Counsel
for Mr.M.Gnanagurunathan

For Respondents : Mr.A.Sivanu Pandiyan
Government Advocate

ORDER

Heard the learned Senior Counsel appearing for the writ petitioner and the learned Government Advocate appearing for the respondents.

2.All that the petitioner wants is permission to remove the mineral from the petition mentioned patta lands. He has already submitted an application on 02.01.2023 forwarded by the reminder on 24.01.2023. Seeking disposal of the said application filed under Rule 44 of Tamilnadu Minor Mineral Concession Rules, 1959 the present writ petition has been filed.

3.When the matter was taken up for hearing, the learned Government Advocate submitted that the second respondent had already sought report from the Joint Director of Agriculture after conducting a spot inspection. Thereafter, the second respondent will have to forward the papers to the first respondent for passing final order. I direct that the entire exercise shall be concluded within a period of eight weeks from the date of receipt of a copy of this order. The first respondent shall here the petitioner in person before final order is



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passed. I make it clear that I have not gone into the merits of the matter. This writ petition is disposed of accordingly. There shall be no order as to costs.

01.02.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

- 1.The District Collector,
Kanyakumari at Nagercoil.
- 2.The Assistant Director of Geology & Mining,
District Collectorate,
Kanyakumari District at Nagercoil.



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G.R.SWAMINATHAN, J.

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