



W.P(MD)No.3076 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3076 of 2023

B.Sivakumar

... 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 this Court to issue a Writ of Mandamus, to direct the first respondent to consider the application submitted by the petitioner dated 14.09.2022 under Rule 44 of Tamil Nadu Mineral Concession Rules, 1959 for grant of short term permission for extracting earth for reclamation of agricultural land by removing the earth and transport the same from the property comprised in S.Nos.428/1A1 measuring an extent of 79 cents is situated at Vellisanthi “A” 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.SRA.Ramachandran
Additional Government Pleader

ORDER

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

2. The petitioner seeks permission to remove the mineral from the petition mentioned patta lands. He had submitted an application on 14.09.2022. The petitioner seeks disposal of the said application filed under Rule 44 of Tamil Nadu Minor Mineral Concession Rules, 1959.

3. It is seen from the typed set of papers that the jurisdictional Tahsildar had already submitted a report to the Sub Collector, Padmanabhapuram at Thuckalay. The file is said to be now pending on the file of the first respondent. It is not known if inputs had been received from the second respondent.



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4. The first respondent is directed to call for report if required from the second respondent and pass final order on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. The first respondent shall hear the petitioner in person before the final order is passed.

5. The Writ Petition is disposed of accordingly. No costs.

15.02.2023

Index : Yes / No
Internet : Yes/ No
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To

- 1.The District Collector,
Kanyakumari at Nagercoil.
- 2.The Assistant Director of Geology & Mining,
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G.R.SWAMINATHAN, J.

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