



W.P(MD)No.3078 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3078 of 2023

P.John Peter

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Kanyakumari.

2.The Assistant Director,
Department of Geology and Mining,
Collectorate,
Kanyakumari District.

3.The Chairman,
State Level Environmental Impact Assessment Authority,
Panagal Maligai,
Seithapettai,
Chennai.

... 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 third respondent to consider and issue clearance certificate to the petitioner to conduct rough stone quarrying operation in petitioner's lease hold patta land R.S.Nos.23/8 and 24/10 in Kapiyari Village, Kalkulam Taluk, Kanyakumari District measuring an extent of 2.12.20 by considering the application submitted through online on



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08.02.2023 and consequently, direct the second respondent to issue transport permit to the petitioner for the said period.

For Petitioner : Mr.Sricharan Rangarajan
Senior Counsel
for Mr.M.Gnanagurunathan
For Respondents : Mr.SRA.Ramachandran
Additional Government Pleader for R1 & R2
: Mr.N.Dilipkumar
Standing Counsel for R3

ORDER

Heard the learned Senior Counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for R1 & R2 and the learned standing counsel appearing for R3.

2. The petitioner had earlier filed W.P.(MD)No.15117 of 2021 seeking extension of the license period. The specific case of the petitioner is that he was not permitted to operate the quarry even during the subsistence of the license period for no fault on his own. Taking into account the facts obtaining on record, I issued the following direction:-



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“Since the petitioner cannot be imputed with any wrong doing, it is only just and fair that he is allowed to enjoy the fruits of the mining lease granted in his favour originally. In these circumstances, the petitioner is permitted to submit a fresh application to the District Collector, Kanyakumari as well as before the State Land Environment Impact Assessment Authority. If there is no other impediment and subject to fulfilment of usual formalities, the said authorities are directed to grant clearance and permission to the petitioner herein. However, that would be limited to permitting the petitioner to quarry balance quantity of 1,79,041 Cu.M of rough stone/jelly. The petitioner's counsel states that the petitioner would move the authorities concerned within a period of three weeks from the date of receipt of a copy of this order. The State Land Environment Impact Assessment Authority is directed to issue the certificate within a period of four weeks from the date of application by the petitioner herein. The District Collector, Kanyakumari will issue license to the petitioner herein within a period of four weeks thereafter.

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

Pursuant to the direction given by this Court, the District Collector had issued the proceedings in favour of the petitioner on 16.11.2022. However, the petitioner is not able to enjoy the fruits of the same because he has not obtained formal clearance from the third respondent. The petitioner has therefore submitted an online application before the third respondent on 08.02.2023.

3. The third respondent is directed to dispose of the same in the light of the earlier order passed by this Court within a period of four weeks from the date of receipt of a copy of this order.



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

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Index : Yes / No

Internet : Yes/ No

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NOTE:Issue Order Copy on 16.02.2023

To

1.The District Collector,
Kanyakumari District,
Kanyakumari.

2.The Assistant Director,
Department of Geology and Mining,
Collectorate,
Kanyakumari District.

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