



W.P.(MD).No.18143 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **29.09.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P.(MD).No.18143 of 2023

Murugan

... Petitioner

Vs.

1.The District Collector,
Tenkasi,
Tenkasi District.

2.The Assistant Director,
Department of Geology and Mining,
Tenkasi.

3.The Executive Engineer,
Public Works Department (WRD),
Upper Vaipar Basin Sub Division,
Rajapalayam-626 117,
Virudhunagar District.

4.The Tahsildar,
Sivagiri Taluk,
Tenkasi District.

...Respondents



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to grant permission to the petitioner for mining clay/Vandal sand for agricultural purpose in Kulasekaraperi Tank, Thirumalapuram Village, Sivagiri Taluk, Tenkasi District, as per the proceedings of the first respondent in Na.Ka.No.M1/227/2023, dated 21.03.2023.

For Petitioner : Mr.J.Karthick

For Respondents :Mr.G.V.Vairom Santhosh
Additional Government Pleader

ORDER

The petitioner, claiming to be an agriculturist having lands in Survey Nos.281, 289/1, 289/2, 290, 293 situated at Thirumalapuram Village, Sivagiri Taluk, Tenkasi District, has submitted an application on 06.04.2023 before the respondents seeking permission for quarrying clay and Vandal sand in his own land for agricultural purpose.

2. The learned counsel appearing for the petitioner submits that the District Collector, Tenkasi District, vide proceedings in Na.Ka.No.M1/227/2023 dated 21.03.2023 published in the District Gazette, dated 25.03.2023, granted permission for quarrying clay and



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Vandal sand for agricultural and pottery purpose. The fourth respondent, namely, the Tahsildar, Sivagiri Taluk, Tenkasi District, has considered the application of the petitioner and vide proceedings in Na.Ka.No.SVGRE/668/2023-A2, dated 03.05.2023, has recommended the case of the petitioner to the second respondent, as per the notification dated 21.03.2023. With a grievance that even after three months, his application has not been considered, the petitioner has filed this writ petition.

3. When the matter was taken up for hearing on 27.07.2023, the learned Additional Government Pleader appearing for the respondents, on instructions, submitted that the connected issue is pending before the Division Bench of this Court in WP(MD) Nos.11809 and 16338 of 2023. However, no document has been placed before this Court for not processing the petitioner's application. Therefore, this Court directed the learned Additional Government Pleader to file a report as to the reasons for not processing the petitioner's application as recommended by the Tahsildar for the past three months and also to furnish the details in respect of WP(MD) Nos.11809 and 16338 of 2023.



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4. Today, when the matter is taken up for hearing, the learned Additional Government Pleader appearing for the respondents has expressed his difficulty in getting instructions from the respondents.

5. In view of the above position, this Court directs the second respondent, namely, the Assistant Director, Department of Geology and Mining, Tenkasi, to pass orders on the petitioner's application, dated 06.04.2023, based on the recommendation made by the fourth respondent on 03.05.2023, within a period of three weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition is allowed. There shall be no order as to costs.

29.09.2023

Index: Yes/No
Internet: Yes/No
ssb

Note: Issue order copy on **05.10.2023**.



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To

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B.PUGALENDHI, J.

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