



WP(MD)No.20066 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 05.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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G.Raju

.. Petitioner

v.

1.The Commissioner of Geology and Mining,
Commissionarate of Geology and Mining,
Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai – 600 032.

2.The District Collector,
Kanyakumari District at
Nagercoil.

3.The Sub Collector,
Padmanabapuram,
Kanyakumari District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the second respondent to grant Registration Certificate to the petitioner to run the Country Brick kiln unit in S.No.188/3, 188/4, 188/5, 248/1B, 248/2, 247/1 of Kalkulam Village, Kalkulam Taluk, Kanyakumari District, in the prescribed form IV



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under Rule 19(2)(a) of Tamil Nadu Minor Mineral Concession Rules, 1959, in the light of the proceedings of the first respondent vide Rc.No. 3772/MM6/2023 dated 25.05.2023, on the basis of the petitioner's application dated 25.05.2023.

For Petitioner : Mr.B.Brijesh Kishore

For Respondents : Mrs.D.Farjana Ghoushia,
Special Government Pleader

ORDER

The petitioner, with an intention to set up a country brick-kiln in S.Nos.188/3, 188/4, 188/5, 248/1B, 248/2, 247/1 of Kalkulam Village, Kalkulam Taluk, Kanyakumari District, has approached the first respondent for a Registration Certificate, along with required fee, as per G.O.Ms.No.39, Industries (MMC.2) Department, dated 04.07.2017. The petitioner's application was forwarded by the first respondent to the second respondent / District Collector. With a grievance that the second respondent has not considered the said application, the petitioner has moved this writ petition for a mandamus.



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2.Learned Special Government Pleader appearing for the respondents, on instructions, submitted that the area for which the petitioner applied for brick-kiln Registration Certificate has been classified as Hill Village, by the Government vide G.O.Ms.No.49, Housing and Urban Development Department, dated 24.03.2003. In respect of areas falling under Hill Village, necessary prior clearance has to be obtained from the Hill Area Conservation Authority (HACA) and the Director of Town and Country Planning, Chennai, is the Member Secretary of the Hill Area Conservation Authority.

3.She further submitted that the petitioner's application has been forwarded to the Sub Collector, Padmanabapuram, for his report / recommendation. Thereafter, the application would be forwarded to the District Forest Officer, Kanyakumari and the Chief Engineer, Agricultural Engineering Department, Chennai, for their report / recommendation. Based on the recommendations of the Chief Engineer, Agricultural Engineering Department, Chennai; Principal Chief Conservator of Forest, Chennai; and the Deputy Director of Geology and Mining, Kanyakumari, a



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proposal will be forwarded by the District Collector to the Director of Town and Country Planning, Chennai, with a request to place the proposal for obtaining clearance from the Hill Area Conservation Authority.

4. Since it is reported that the area for which the petitioner is requesting for Registration Certificate for conducting brick-kiln falls under the Hill Village and an authority has been constituted and certain procedures have been contemplated in granting permission, therefore, this writ petition stands disposed of, by recording the submission made by the learned Special Government Pleader. The second respondent / District Collector shall follow the procedures as contemplated and shall take a decision, as expeditiously as possible. No costs.

Index : Yes / No
NCC : Yes / No
Internet : Yes
gk

05.09.2023

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B.PUGALENDHI, J.

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