



W.P.(MD)No.21482 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.21482 of 2023
WMP(MD) No.17871 of 2023

B.Ganesan

... Petitioner

Vs

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Sub Collector,
Paramakudi,
Ramanathapuram District.

3.The Assistant Director,
Mines and Geology Department,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, directing the third respondent to issue transit pass to the petitioner to transport gravel sand from his patta lands in Survey Numbers: 244/1, 239/9B, 239/9C and 245/1(P), situated in Neeravi Village, Kamudhi Taluk,



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Ramanathapuram District by considering his representation dated 24.08.2023.

For Petitioner : Mr.K.Jeyamohan
For R1 & R2 : Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

The petitioner, a lessee has been awarded with a lease for conducting quarry in Survey Numbers: 244/1, 239/9B, 239/9C and 245/1(P), Neeravi Village, Kamudhi Taluk, Ramanathapuram District. The petitioner with a grievance that the third respondent has not issued transit permit from 24.08.2023 has submitted a representation and has filed this writ petition.

2.The learned counsel appearing for the petitioner submits that the lease period is in existence upto 28.11.2023. The third respondent has stopped issuing the transit permit from 24.08.2023 even during the lease period. Therefore, a mandamus shall be issued as



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against the third respondent to issue transit permit, till the licence period is in existence.

3.Mrs.D.Farjana Ghoushia, learned Special Government Pleader, who takes notice for the respondents 1 & 2 by referring the proceedings of the Sub Collector, Paramakudi in Na.Ka.No.A1/3923/2023, dated 24.08.2023 submits that the petitioner is involved in illegal quarry activities, for which, the Sub Collector, Paramakudi has initiated an enquiry under Section 36 of the Tamil Nadu Minor Mineral Concession Rules, 1959. Since the enquiry is still pending, permit has not been issued to this petitioner.

4. Considering the rival submissions made, this writ petition is disposed of in the following terms

- i. The petitioner shall co-operate for the enquiry as contemplated under Section 36 of the Tamil Nadu Minor Mineral Concession Rules, 1959.



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ii. The Sub Collector shall conclude the enquiry as expeditiously as possible.

iii. In the event, if the petitioner has established that there is no illegal quarry activity taken place as claimed by the respondents, the petitioner shall submit a fresh representation for extension of lease for a period, for which he has not been issued the transit permit.

No costs. Consequently, connected Miscellaneous Petition is closed.

01.09.2023

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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B.PUGALENDHI, J.

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