



WEB COPY

W.P.No.8102 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2024

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.8102 of 2024

Palanisamy

.... Petitioner

Vs

1.The District Collector,
O/o.the District Collector,
Tiruppur – Post & District.

2.The Assistant Director (Mines),
O/o.the Mines and Geology Department,
District Collectorate,
Tiruppur – District.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to issue trip permit for the petitioner quarry to carry out the Quarrying of Rough Stone and Gravel in Survey No.263/2 Part, Sarkar Kathagkanni Village, Uthukuli – Taluk, Tiruppur – District by considering the proceedings in Na.Ka.628/2018/Kanimam (Na.Ka.628/2018/கனிமம்) of the 2nd respondent dated 20.03.2023 and the representation dated 11.01.2024.



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For Petitioner : Mr.D.Veerasekaran

For Respondents : Mr.E.Vijay Anand
Additional Government Pleader

ORDER

Mr.Vijay Anand, learned Additional Government Pleader accepts notice for the respondents and is armed with instructions to enable a final disposal of this matter, even at the stage of admission.

2. The prayer of the petitioner is for a mandamus directing the District Collector, Tiruppur/R1 and Assistant Director (Mines)/R2 to issue trip permit to carry out the quarrying of rough stone and gravel in Survey No.263/2 Part, Sarkar Kathagkanni Village, Uthukuli – Taluk, Tiruppur – District ('property'/'property in question'). The petitioner relies on proceedings in Na.Ka.628/2018/கனிமம் of R2 dated 20.03.2023.

3. Mr.Vijay Anand points out that the petitioner had originally made a representation on 10.01.2024 seeking the identical relief as sought for in this Writ Petition.

4. There could have been an impediment originally to consider this prayer, seeing as there had been objection to the quarrying activities in the property in question raised by third parties by way of Writ Petition



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bearing W.P.No.13831 of 2023. That Writ Petition came to be dismissed as withdrawn on 12.07.2023.

5. Two individuals had also filed a Public Interest Litigation in W.P.No.11623 of 2023 before the First Bench seeking a mandamus directing the official respondents to prevent the present Writ Petitioner, arrayed as R4 in that Writ Petition, from carrying on quarrying activities in the property in question.

6. That Writ Petition has also come to be dismissed vide order dated 18.04.2023. Hence, as on date, there is no impediment in the respondents considering the request of the petitioner.

7. The petitioner, however, appears to have withdrawn his representation dated 10.01.2024 by communication dated 22.01.2024 and as on date, there is no pending request before the authorities that they might consider. Hence, let the petitioner make a request afresh before the respondents in order that they may consider the same. In the absence of any pending representation, no mandamus can be issued.

8. Mr.Vijay Anand would assure the Court that should any representation be filed by the petitioner, the same will be considered expeditiously and in accordance with law and all extant regulations.



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Dr.ANITA SUMANTH,J.

WEB COPY 9. This Writ Petition is disposed as above. No costs.

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28.03.2024

Index:Yes/No

Speaking order

Neutral Citation:Yes

To

1.The District Collector,
O/o.the District Collector,
Tiruppur – Post & District.

2.The Assistant Director (Mines),
O/o.the Mines and Geology Department,
District Collectorate,
Tiruppur – District.

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