



W.P(MD)No.1900 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 12.02.2024
CORAM
THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN
W.P(MD)No.1900 of 2024

Shaji

.. Petitioner

-Vs-

1.The District Collector,
Kanyakumari District.

(*)2.The Assistant Director,
Mines and Minerals Department,
Collectorate,
Nagercoil, Kanyakumari District

.. Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 to approve the application for revised mining plan dated 13.11.2018 submitted by the petitioner and to extend the license period granted by the 1st respondent in his proceedings dated 29.11.2015 for the unutilized period from 29.11.2018 to 28.11.2020 to quarry rough stone / Jalli in respect of the petitioners lands comprised in S.No. 447/3C2 and 454/2A situated at Velimalai Village, Kalkulam Taluk, Kanyakumari District.

For Petitioner

: Mr.G.Prabhu Rajadurai

For Respondents

: Mr.A.Kannan

Additional Govt. Pleader

ORDER

This writ petition is filed seeking for issuance of a Writ of Mandamus, to direct the respondents 1 and 2 to approve the application of the petitioner for the revised mining plan dated 13.11.2018 and to extend the license period granted by the 1st respondent in his proceedings dated 29.11.2015 for the unutilized period from 29.11.2018 to 28.11.2020 to quarry rough stone / Jalli in respect of the



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petitioners lands comprised in S.No.447/3C2 and 454/2A situated at Velimalai Village, Kalkulam Taluk, Kanyakumari District.

2. The learned counsel for the petitioner submitted that the petitioner had obtained license, vide order dated 29.11.2015 passed by the 1st respondent, to carry out quarry operations for a period of 5 years from 29.11.2015 to 28.11.2020 with certain terms and conditions. One such condition is that after quarrying for a period of 3 years, a revised mining plan should be submitted to the availability of mineral for the rest of two years and only after the approval by the respondent authority, the quarry operations for the remaining period could be continued. In the meanwhile, a Public Interest Litigation was filed before this Court by one Bensingh alleging that the petitioner illegally carrying out the quarry operations and to take action against him. This Court vide order dated 07.03.2019 granted an order of interim stay of the quarrying operation. Since the writ petition is pending and considering the order of stay, the authority concerned did not consider the petitioner's application for revised mining plan dated 13.11.2018. Hence, this petition.

3. The learned counsel for the petitioner would submit that in this regard, the petitioner has given a representation dated 15.11.2023 to the respondents. Since the said representation is pending, the petitioner has come before this Court. He would further submit that it would suffice if the representation of the petitioner is



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disposed of by the respondents, on merits and in accordance with law within the time stipulated by this Court.

4. The learned Additional Government Pleader appearing for the respondents would submit that the representation of the petitioner and other appropriate documents will be considered in accordance with law.

5. In view of the above, without going into the merits of the claim made by the petitioner in this Writ Petition, the respondents are directed to pass appropriate orders on the representation of the petitioner, dated 15.11.2023, on merits and in accordance with law, after giving notice to the interested parties, if any, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS III)

(*)Corrected as per order of this Court dated 06/06/2024 made in WP(MD)No. 1900 of 2024

Sd/-

Assistant Registrar (RTI)

// True Copy //

/06/2024

Sub Assistant Registrar(CS)

PJL

<https://www.mhc.tn.gov.in/judis>



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To

(*)To be substituted the order which already despatched on 07/03/2024

1.The District Collector,
Kanyakumari District.

2.The District Revenue Officer,
Mines and Minerals Department,
Collectorate, Nagercoil,
Kanyakumari District.

3.The Assistant Director,
Mines and Minerals Department,
Collectorate,
Nagercoil, Kanyakumari District

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-25623[F] dated
06/06/2024)

+1 CC to M/s.SPL.GP (SR-4469[F] dated 13/02/2024)

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KB(28.02.2024) 4P 5C

MGJ(10/06/2024 4P 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.