



W.P.(MD)No.2328 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.02.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.2328 of 2024

P.Sankara Narayanan

... Petitioner

Vs

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Assistant Director,
Department of Geology and Mining,
Tirunelveli District,
Tirunelveli.

3.The Revenue Divisional Officer,
Nanguneri,
Tirunelveli District,
Tirunelveli

4.The Tahsildar,
Nanguneri Taluk,
Tirunelveli District,
Tirunelveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to pass appropriate orders on the application preferred by the petitioner for renewal of permission to run the brick kiln of the petitioner situated in the



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petitioner's patta land bearing S.No.505/3A and 505/3B situated in Malayadi Pudur Village, Nanguneri Taluk, Tirunelveli District within a time as may be stipulated by this Court.

For Petitioner : Mr.K.Jeyamohan

For Respondents : Mr.A.Kannan
Additional Government Pleader

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the first respondent to pass appropriate orders on the application preferred by the petitioner for renewal of permission to run the brick kiln situated in the petitioner's patta land bearing S.No.505/3A and 505/3B situated in Malayadi Pudur Village, Nanguneri Taluk, Tirunelveli District within a time as may be stipulated by this Court.

2. Heard Mr.K.Jeyamohan, learned counsel appearing for the petitioner and Mr.A.Kannan, learned Additional Government Pleader appearing for the respondents.

3. By consent, this writ petition is disposed of at the admission itself.



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4. According to the petitioner, he was running a Brick Kling in his private patta land bearing s.No.505/3A and 505/3B situated in Malayadi Pudur Village, Nanguneri Taluk, Tirunelveli District measuring to an extent of 10 cents. For running such brick klin, he obtained necessary permission from the authorities concerned. The earlier permission expired on 28.10.2021, thereafter he applied for the renewal of the same, however, without any orders the said application was kept pending. Thereafter proceedings were initiated against the petitioner for running brick klin without valid permission and that a penalty was also imposed against him to the tune of Rs.48,79,655/- by the Sub Collector, Cheranmahadevi. Challenging the same, he preferred an appeal before the Commissioner of Department of Geology and Mining, Chennai, wherein, the penalty amount was reduced to the tune of Rs.6,00,000/- by order dated 21.03.2023. Subsequently, in compliance of the said order, he has immediately paid Rs.1,00,000/- to the Department of Geology and Mining and he is continuing to pay the remaining amount in installment. In the meanwhile, an FIR was registered against the petitioner in Cr.No.89/2023 on the file of the Thirukarungudi Police Station for an offence under Section 379 of IPC. Challenging the said FIR, he has filed a criminal original petition in CrI.O.P. (MD)No.16820 of 2023 and an order of interim stay was granted by this Court and further the case has been reserved for orders. The petitioner applied for



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renewal of his brick kiln situated in his private patta land through application

dated 03.07.2023 by paying appropriate fees to the tune of Rs.63,600/-.

Pursuant to his application, the Tahsildar and Revenue Divisional Officer by order dated 01.08.2023 recommended for granting of permission to renew the permission for his brick kiln. Though the said report was forwarded by the second respondent as early as on 01.08.2023, the first respondent has kept his application pending without passing any orders. In view of the pendency of the application, he is not in a position to run his brick kiln. Since the respondents have not taken any action, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

5. The learned Additional Government Pleader appearing for the respondents would submit that appropriate direction may be given to the respondents to consider the petitioner's request in accordance with law, within a time frame.

6. Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the matter, this Court directs the first respondent to hold an enquiry and to consider the petitioner's application dated 03.07.2023, pass orders on merits and in accordance with law after



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affording an opportunity to all the parties concerned. Such exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition is disposed of. No costs.

06.02.2024

Index : Yes/No
Internet: Yes/No
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To

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Tirunelveli.
3. The Revenue Divisional Officer,
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V.BHAVANI SUBBAROYAN, J.

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