



W.P(MD)No.24219 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.24219 of 2024

Siva

... Petitioner

Vs

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Assistant Director of Geology and Mining,
O/o.Assistant Director of Geology,
Collectorate Nagercoil,
Kanyakumari District.

3.The Revenue Divisional Officer,
Nagercoil Division,
Nagercoil,
Kanyakumari District.

4.P.Ravindran

5.R.Vidhya Ravindran

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to dispose of the petitioner's representation dated 10.09.2024 in the light of Rule 36A of the Tamil Nadu Minor Minerals Concession Rules.

For Petitioner : Mr.V.Angusamy

For Respondents : Mr.D.Gandhi Raj
Special Government Pleader



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ORDER

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This Writ Petition has been filed for a direction, directing the first respondent to consider the representation submitted by the petitioner dated 10.09.2024, thereby raising objections under Rule 36A of the Tamil Nadu Minor Minerals Concession Rules, 1959.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.On perusal of the representation submitted by the petitioner and on perusal of the records would reveal that the petitioner owned land admeasuring to an extent of 0.62.5 hectares comprised in S.F.No.887/2 situated at Marungoor Village, Agatheeswaram Taluk, Kanyakumari District. He had applied for taking earth from his land and obtained permission. After quarrying some portions of the land, the petitioner stopped for the remaining land. While being so, the respondents 4 and 5 owned lands to an extent of 15.649 hectares comprised in Sy.Nos.814/8, 814/10, 814/11, 838, 842/5, 843/1, 843/3, 845/1, 845/3, 848/2, 845/3, 848/4, 848/6, 848/7, 848/8, 848/10, 848/11, 849/1, 878/1A,



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880/1, 880/7, 880/9, 880/2, 882/4, 883/3, 883/5, 883/6, 885/4, 885/7, 885/8, 885/9, 885/2, 886/3, 886/6, 887/1A and 889/3 situated at Marungoor Village and they were granted quarrying licence. However, they had quarried excess quantity than the permission. Therefore, the authorities concerned initiated proceedings against the said Ravindran under Rule 36A of the Tamil Nadu Minor Mineral Concession Rules, 1959 and imposed fine. Once again, the petitioner now raised an objection on the very same ground. It is seen that there is a dispute between the petitioner and the respondents 4 and 5 and as such, the petitioner now raised objection. Therefore, the private dispute cannot be considered under Rule 36A of the Tamil Nadu Minor Mineral Concession Rules, 1959. In view of the above, the Writ Petition itself is devoid of merits and the same is liable to be dismissed.

4. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

18.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
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