
(2003) 09 MAD CK 0150

In the Madras High Court

Case No : Writ Petition No. 9089 of 1997

Tamilnadu Brick Works

APPELLANT

Vs

District Collector, V.O. Chidambaranar District and Special
Deputy Tahsildar Mines, Collectors Office

RESPONDENT

Date of Decision : 22-09-2003

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2003) 09 MAD CK 0150

Hon'ble Judges : A.K. Rajan, J

Bench : Single Bench

**Advocate : K. Shanmugakani, for the Appellant; P. Gunraj, for R1 and R2 and
Special Government Pleader, for the Respondent**

Final Decision : Dismissed

Judgement

A.K. Rajan, J.—This writ petition has been filed by the petitioner praying for issue of a writ of Certiorarified Mandamus.

2. The petitioner states that he is engaged in the manufacture of wire cut bricks. He made an application on 15.9.1995 for quarrying sand and clay. He was directed to pay a sum of Rs. 1,500/- by way of demand draft on authorities. Thereafter, he was asked to identify the area and to give a sketch. Accordingly, he also provided a sketch, but on 18.11.1999 the respondents passed the impugned order stating that Rule 39 of the Tamil Nadu Minor Mineral Concession Rules 1959 has been deleted and therefore his application cannot be considered.

3. The records connected with the petitioner's application has been produced before this court by the learned Special Government Pleader who pointed out that the application has been made under "Form 39" and there is no such Form 39 prescribed under the Rules and therefore, the application referred to has been construed as under Rule 39. Hence, the petitioner's application been rejected as the said rule has been deleted.

4. Considering the fact that the application has been made in Form 39, which is not under the rule, and now the learned counsel for the petitioner relies upon Rule 6(2) of the Tamil Nadu Minor Mineral Concession Rules 1959 for which Form No. X must be used, there is no illegality or irregularity in the orders passed by the respondents. The writ petition fails and the same is dismissed accordingly. No costs. Considering the facts of the case, the petitioner is permitted to submit a fresh application under the relevant rules and Form and it is open for the authorities to pass appropriate orders in accordance with law on such application.