

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2015

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.27617 of 2015

and M.P.No.1 of 2015

N.Ramesh Rao

[Petitioner]

Vs

1 The District Collector
Collectorate, Vellore.

2 The Deputy Director
Department of Geology & Mining
Collectorate, Vellore.

3 The Sub Collector
Tirupattur, Vellore District.

4 The Tahsildar
Taluk Office, Tirupattur, Vellore District.

5 A.Arunagiri

[Respondents]

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus to direct the respondent-1 to consider and pass appropriate order with in time frame as stipulated by this Honourable Court on the petitioners representation dated 22.06.2015 for termination of lease dated 16.08.2011 registered as Doc. No. 9616 of 2011 on the file of Sub-Registrar Office Tirupattur Vellore District with the respondent-5.

For Petitioner : Mr.PA.Sudesh Kumar
For Respondents : Mr.T.N.Rajagopalan, SGP(R1-4)

O R D E R

Heard the learned counsel appearing for the petitioner and Mr.T.N.Rajagopalan, learned Special Government Pleader, who took notice for the respondents 1 to 4 and with their consent, the main

writ petition itself is taken up for disposal at the admission stage itself.

2.The writ petition has been filed under Article 226 of the Constitution of India seeking direction to the 1st respondent to consider and pass appropriate orders on the petitioner's representation dated 22.06.2015, for termination of lease dated 16.08.2011 registered as Doc. No. 9616 of 2011, on the file of Sub-Registrar Office, Tirupattur, Vellore District, with the 5th respondent.

3.1 The case of the petitioner is that pursuant to a lease agreement dated 16.08.2011, A.Arunagiri, the 5th respondent was granted lease by the 1st respondent, for 10 years for quarrying and carrying away the rough stones, Cutstone, Chakkai and Jelly from the leased out premises, which is situate at S.F.No.433/1 to an extent of 1.00.0 hectares, Vellore District, Vaniyambadi Taluk, Marimanikuppam Village, under Rule 8 of the Tamil Nadu Mines and Minerals Concession Rules, 1959.

3.2 It is the further case of the petitioner that adjacent to the said land, the petitioner's land and house, are situated at S.F.No.431, which are within the radius of 300 meters from the quarrying site. Hence, according to the petitioner, there is absolute violation of Rule 36(1-A) of the Rules, which prohibits any quarrying operations within the radius of 300 meters from any inhibited site.

3.3 That apart, according to the petitioner, for the purpose of quarrying the operations, the licensee is using powerful dynamites frequently even in odd times. Due to such blasts, the house got cracks, the well and borewell in and around the said S.F.No.433/1 got damaged and causing the sloping of mud into the water sources, which blocked the springs in the well and borewells. Hence, the petitioner represented before the authorities for termination of such lease with the 5th respondent. Since there is no response, the petitioner is before this Court.

4. According to the learned counsel for the petitioner, since the quarrying operations carried on by the 5th respondent is causing much damage to the land owned by the petitioner, the petitioner sent a representation on 22.06.2015 to the respondents for cancellation of the above referred lease. On the basis of the said representation, a communication dated 03.07.2015 was addressed to the Tahsildar for taking appropriate action by referring G.O.Ms.No.27, Industries Department dated 17.02.2015. Since the petitioner's representation was misconceived by the 1st respondent as if he is complaining about illegal quarrying, the learned counsel sought for a direction as prayed for in this writ petition.

5. Admittedly, the petitioner's representation dated 22.06.2015 is pending consideration. From a perusal of the typed set of papers, it is clear that on the basis of the said representation, a communication was addressed to the Tahsildar for taking appropriate action by referring G.O.Ms.No.27, Industries Department dated 17.02.2015. In the said communication dated 03.07.2015, there is no reference with regard to lease holder. Be that as it may, the said representation has not yet been disposed of till date.

6. Hence, in order to give a quietus to the issue, the 1st respondent is directed to consider the representation of the petitioner dated 22.06.2015 and pass appropriate orders on the said representation, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order, after hearing both the petitioner as well as the lease holder A.Arunagiri, the 5th respondent herein in detail.

The writ petition is disposed of with the above direction. No costs. Connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CSII)

dt:21/9/2015

True Copy

Sub-Assistant Registrar

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To

- 1 The District Collector
Collectorate, Vellore.
 - 2 The Deputy Director
Department of Geology & Mining
Collectorate, Vellore.
 - 3 The Sub Collector
Tirupattur, Vellore District.
 - 4 The Tahsildar
Taluk Office, Tirupattur, Vellore District.
- +1 cc to M/s.Pa.Sudesh Kumar, Advocate sr.47429

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