



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.09.2015

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.9377 of 2015

and

M.P(MD)No.1 of 2015

J.Shaboore Pathusha

... Petitioner

Vs.

The District Collector,
Tirunelveli District,
Tirunelveli.

.. Respondent

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent's in na.Ka.No.M1/53822/2014, dated 02.01.2015 quash the same and directing the respondent to grant permission to run the stone quarry for non-operative period of 11 months in the petitioner's patta land in Survey No.429 and 431 situated at Puliyur Village, Tenkasi Taluk, Tirunelveli District by considering the petitioner's representation dated 13.11.2014 within the period stipulated by this Court.

For Petitioner

: Mr.A.Haja Mohideen

For Respondent

: Mr.Aayiram K.Selvakumar

Govt. Advocate

ORDER

This writ petition has been filed by Mr.J.Shaboore Pathusha, challenging the impugned order, dated 02.01.2015, refusing to accept the request of the petitioner to grant extension of license in favour of the petitioner, for running the quarry during the period commencing from 25.01.2010 to 25.04.2015.

2.Heard the learned counsel appearing for the petitioner. Mr.Aayiram K.Selvakumar, learned Government Advocate takes notice for the respondent.

3.The learned counsel appearing for the petitioner would submit that lease was granted to the petitioner for a period of 05.02.2001 to 04.02.2004 in Survey Nos.429 and 431 having an extent of 3 acres 47 cents, situated at Puliyur Village, Tenkasi Taluk, to quarry the rough stone. Further, seeking extension of



two more years for running the quarry, the petitioner came to this Court by filing a writ petition in W.P.(MD)No.3291 of 2004 and that was also allowed, the petitioner's lease was extended up to 30.05.2006. But the grievance of the petitioner is that, he is unable to run the quarry for one year and one month, due to his poor health, during the valid lease period. Therefore, the petitioner has approached the respondent for extension of the lease period for one year and one month, for the non-operative period. But it was rejected by the respondent in his proceedings O.Mu.(M3) 15350/2006, dated 09.03.2006. This Court allowed the writ petition on 23.06.2006 in favour of the petitioner and directed the respondent to give extension of lease period for non-operative period, from the issue of transport permit on payment of Seigniorage fee in the patta land. Subsequently, the petitioner continuously operating the quarry without any hindrance. Latter on, the petitioner's lease period was also extended from 25.01.2010 to 24.01.2015 by proceedings, dated 22.12.2009. Therefore, when the petitioner has been quarrying for the past 15 years, he was unable to run the quarry for a period of 11 months due to his poor health, hence, he has made a representation on 13.11.2014, requesting him to grant extension of lease period for the non-operative period of 11 months. The respondent wrongly rejected the request of the petitioner, without passing any speaking order. Therefore, the petitioner has come to this Court.

4. A perusal of the record would reveal that the petitioner has made a representation to the respondent, seeking extension of lease for a period of 11 months, since he was unable to run the quarry, due to his poor health, during the valid lease period. But, in support of his contention, the petitioner has not produced any medical documents to show that he was having poor health, for the said period. Hence, I find any merits in the writ petition.

5. In the result, the Writ Petition is dismissed. Consequently, connected miscellaneous petition is also dismissed. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

The District Collector,
Tirunelveli District, Tirunelveli.

+1cc to Mr.A.HAJAMOHIDEEN, Advocate Sr.No.53791

AM