

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05-02-2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

W.P.No.3076 of 2016

M. Velusamy

.... Petitioner

vs

The District Collector,
Office of the Collector,
Coimbatore - 641 018

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus directing the respondent to consider and pass orders on the petitioner's representation dated 27.10.2015 within a time frame.

For petitioner : Mr.C.S. Dhanasekaran

For respondents : Mr.T.N. Rajagopalan
Special Govt. Pleader

ORDER

The petitioner has filed the above writ petition to issue a Writ of Mandamus directing the respondent to consider the representation of the petitioner dated 27.10.2015 and pass orders within a time stipulated by this Court.

2. According to the petitioner, he took out the lease of the stone quarry in respect of the land at Survey No.95(P), East Division of Muthur Village, Pollachi, Pollachi Taluk as a successful bidder in a tender cum public action, conducted by Government of Tamil Nadu. The lease of the land was for the purpose of mining for rough stone and the lease was for a period of five years from 22.02.2011 to 21.02.2016. Now, the petitioner has given a representation dated 27.10.2015 seeking for extension of the lease period.

3. On a perusal of the copy of the lease deed dated 22.02.2011, executed by the respondent, which was also counter signed by the petitioner, in clause-10, it was specifically agreed that the lease period shall not be renewed. That apart, under Sec.8(ii) of The Tamil Nadu Minor Mineral Concession

Rules, 1959, " the lease shall expire on the date specified in the lease deed and in no case extension of the period of lease shall be made".

4. In view of the specific clause in the agreement dated 22.02.2011 and Sec.8(ii) of The Tamil Nadu Minor Mineral Concession Rules, 1959, no extension can be granted to the petitioner. Since the petitioner has given the representation for the extension of the lease period, the same cannot be granted to him.

5. Since the petitioner has no legal right to claim the extension of lease period, the Mandamus cannot be issued to the petitioner and the writ petition is devoid of merits and the same is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. No costs.

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

The District Collector,
Office of the Collector,
Coimbatore - 641 018

+ 1 cc to Mr.C.S.Dhanasekaran, Advocate SR 7657

+ 1 cc to the Govt.Pleader SR 7900

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