



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2017

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THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P (MD) No.23644 of 2015

and

M.P. (MD) .Nos.1 and 2 of 2015

P.Ashokan

.. Petitioner

Vs.

1.The District collector,
Madurai District,
Madurai.

2.The Assistant Director,
Geology and Mining Department,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the order passed by the first respondent in Na.Ka.No.1221/2015, Mining, dated 22.09.2015 and quash the same and consequently directing the 1st respondent to extend the lease period of quarry for a period of six months pursuant to the lease agreement dated 29.09.2010 in respect of lands in Survey No.207 (part) situated in Thiruchunai Village, Melur Taluk, Madurai District.

For Petitioner

: Mr.S.M.Mohan Gandh

For Respondents

: Mr.TR.Janardhanam,

Addl. Government Pleader

ORDER

This writ petition has been filed by the petitioner challenging order passed by the first respondent in Na.Ka.No.1221/2015, Mining, dated 22.09.2015 and for a consequent direction to the 1st respondent to extend the quarry lease period for six months pursuant to the lease agreement dated 29.09.2010 in respect of lands in Survey No.207 (part) situated in Thiruchunai Village, Melur Taluk, Madurai District.

2.The petitioner among the other things averred in the petition that though he has been granted five years lease period i.e., from 15.10.2010 to 14.10.2015 for quarrying stone in the lands in S.No.207(part), situated at Thiruchunai Village, Melur Taluk, Madurai District, due to natural calamities, he could not conduct quarry operation for 20 months and hence, seeking extension of lease period for six months, he has given a



representation to the first respondent. But the first respondent by the impugned order rejected the same stating that there is no Rule to grant such extension. Hence, he has come up with the present writ petition for the aforesaid relief.

3. When the matter taken up for hearing today, the learned counsel for the petitioner submitted that he has no instructions from the petitioner and that he has already handed over bundle to the petitioner long back. There is no representation for the petitioner.

4. The learned Additional Government Pleader appearing for the respondents submitted that the lease period has already been expired as early as on 14.10.2015 and that there is no Rule or Act to extend the lease period and hence the first respondent rejected the request of the petitioner by passing the impugned order dated 22.09.2015. Thus, he prayed for dismissal of this writ petition.

5. I have carefully gone through the entire materials available on record.

6. As rightly contended by the learned Additional Government Pleader, the lease period has already been expired on 14.10.2015. Now, almost one and half years have gone from the date of expiry of lease period. It is seen from the record that the petitioner has not obtained any interim order in his favour. More over, knowing fully well about the risk involved in the matter of quarry lease and after entering into an agreement, the petitioner cannot seek any extension. The first respondent has rightly rejected the request of the petitioner for extension of lease stating that there is no Rule or Act enabling the respondents to extend such period. This Court does not find any infirmity in the order passed by the first respondent. There is no merit in the writ petition. Hence, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (Protocol)

/True copy/

Sub Assistant Registrar

To

1. The District collector,
Madurai District, Madurai.

2. The Assistant Director,
Geology and Mining Department, Madurai.

+1 cc to Mr. S.M. Mohan Gandhi, Advocate SR.No.15694

GCG

<https://hcmjse.courts.gov.in/cases> BSM/MD/SPR/1304.2017/2P/4C

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