



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2017

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.11543 of 2017

and

W.M.P (MD) Nos.8881 of 2017

P.Madhavadas

... Petitioner

Vs.

The District Collector,
Tirunelveli District,
Tirunelveli.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to permit the petitioner to quarry and transport the stones from the leasehold land bearing S.F.No.907 admeasuring 1.49.5 Hectares in Pazhavur Part-I Village, Radhapuram Taluk, Tirunelveli District for a period of 8 months and 20 days from the date of issue of transport permit after 10.07.2017 (expiry of the original lease period), within the time frame fixed by this Court.

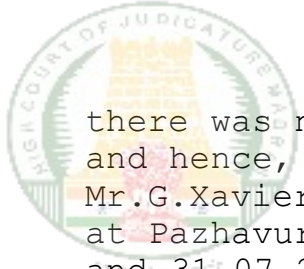
For Petitioner : Mr.V.Sanjeevi
For Respondent : Mr.T.R.Janardhanan
Additional Government Pleader

O R D E R

The Writ Petition has been filed for issuance of a Writ of Mandamus directing the respondent to permit the petitioner to quarry and transport the stones from the leasehold land bearing S.F.No.907 admeasuring 1.49.5 Hectares in Pazhavur Part-I Village, Radhapuram Taluk, Tirunelveli District for a period of 8 months and 20 days from the date of issuance of transport permit after 10.07.2017 (expiry of the original lease period).

2. The petitioner would among other things aver that he is the successful bidder to quarry rough stones from the leasehold land bearing S.F.No.907 admeasuring 1.49.5 Hectares in Pazhavur Part-I Village, Radhapuram Taluk, Tirunelveli District. The District Collector, by proceedings dated 20.05.2012, granted lease to the petitioner for a period of 5 years from the date of execution of the lease deed. The petitioner had complied with all the conditions prescribed in the tender Notification and the lease was also executed on 11.07.2012.

3. The grievance of the petitioner is that though the lease agreement was executed on 11.07.2012, he could not commence the quarrying operations for want of pathway to the leasehold area (notified rough stone quarry bearing S.F.No.907 admeasuring 1.49.5 hectares in Pachavur Part - I, Village). The petitioner further states that



there was no poromboke land surrounding the executed lease hold area and hence, he was not able to quarry. In the month of July 2012, one Mr.G.Xavier Selvaraja has purchased the land in S.F.Nos.906/1 etc., at Pazhavur Part-I Village by registered sale deeds dated 13.07.2012 and 31.07.2012 as Document Nos.2661 of 2012 and 2851 of 2012 in the Office of Sub Registrar, Panakudi. Thereafter, the petitioner obtained permission from the land owner G.Xavier Selvaraja on 01.04.2013 and he commenced the quarry operation from 02.04.2013.

4. The learned counsel for the petitioner would submit that the petitioner was not able to use the quarry for a period of 8 months and 20 days for want of pathway. Hence, the petitioner has made a representations dated 04.04.2013 and 07.06.2017 for compensating the said non-operative period of 8 months and 20 days, after expiry of the period mentioned in the lease deed.

5. The learned Additional Government Pleader would submit that there is no acknowledgment to the representation dated 04.04.2013, but the learned counsel for the petitioner would submit that the representation was handed over in person.

6. Considering the facts and circumstances of the case, this Court, without advertting into the merits of the case, directs the petitioner to send the copy of the representation along with this order and the respondent in turn is directed to consider and dispose of the same on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition stands dispose of. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

The District Collector,
Tirunelveli District,
Tirunelveli.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.62030

+2cc to Mr.V.SANJEEVI Advocate in SR. No.61735

akv

JS/JC/SAR.1/28.7.2017/2P-5C