



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P (MD) No.5521 of 2017**

K.Mohamed

... Petitioner

-vs-

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Assistant Director of Geology and Mining,
Tirunelveli.

3. The Commissioner of Geology and Mining,
Guindy, Chennai-32.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to grant stoppage of period of lease for 17 months from 10.05.2017 in respect of the stone quarry measuring to an extent of 0.60.0 hectares in S.No.59/1B(part), 59/3, Thazhiyuthu Village, Thirunelveli District, on payment of necessary charges.

For Petitioner : Mr.A.Rahul

For Respondents : Mr.S.Kumar
Addl. Govt. Pleader

ORDER

This Writ Petition has been filed, seeking a direction to the first respondent to grant stoppage of period of lease for 17 months from 10.05.2017 in respect of the stone quarry measuring to an extent of 0.60.0 hectares in S.No.59/1B(part), 59/3, Thazhiyuthu Village, Thirunelveli District, on payment of necessary charges.

2. The case of the petitioner is that he has been granted lease for quarrying the rough stone on 09.05.2012 for a period of five years from 09.05.2012 to 08.05.2017 and the Revenue Divisional Officer, without any prior intimation or show cause notice, inspected the quarry of the petitioner on 22.05.2015 and also imposed a huge penalty stating that the petitioner had violated the rule from 1993. It is the further case of the



petitioner that against the said imposition of penalty, the petitioner preferred an appeal before the District Collector, who in turn dismissed the same by an order dated 20.06.2016, aggrieved by which, the petitioner filed a second appeal before the Commissioner of Geology and Mining under Section 36-C(2) of the Tamil Nadu Mines and Minerals Concession Rules, 1959. It is stated by the petitioner that the Commissioner of Geology and Mining remitted the matter to the RDO for fresh consideration and the matter is pending before the RDO. In the meanwhile, the representation submitted to the District Collector for issuance of permit to start the quarrying business for the lapsed period has been unnecessarily kept pending. Hence, the petitioner is before this Court with the above prayer.

3. On the other hand, the learned Additional Government Pleader for the respondents has contended that the lease period granted to the petitioner got already expired and any how, the first respondent is ready and prepared to consider the representation of the petitioner in the event of the petitioner producing necessary documents before the first respondent.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader for the respondents.

5. Considering the limited scope of the relief sought for, this Court, without going into the merits of the petitioner's claim directs the first respondent to consider the representation of the petitioner dated 08.07.2016, on the petitioner furnishing relevant documents in support of his claim and pass appropriate orders on its own merits and in accordance with law, after affording due opportunity of hearing to the petitioner within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar

To:

1. The District Collector,
Tirunelveli District,
Tirunelveli.

<https://hcservices.courts.gov.in/hcservices/> Director of Geology and Mining,
Tirunelveli.



3. The Commissioner of Geology and Mining,
Guindy,
Chennai-32.

+1 cc to Mr.K.R.Krishnan , Advocate in SR.No. 73695

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