



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 20.07.2017
CORAM
THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WEB COPY

W.P. (MD) No.8925 of 2017
and
W.M.P. (MD) No.6828 of 2017

Tvl. Prams Mines
No.19A/9, Natarajapuram,
Musiri,
Musiri Taluk,
Tiruchirappalli District.

... Petitioner

Vs.

1.The District Collector,
Tiruchirappalli District Collectorate,
Tiruchirappalli.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to extend the period of stoppage of period of lease by 5 months (from 13.05.2017 to 12.10.2017) from 13.05.2017 in respect of the Rough Stone Quarry situated in S.No.680/4 (West) of Poolancherri Village, Musiri Taluk, Tiruchirappalli District.

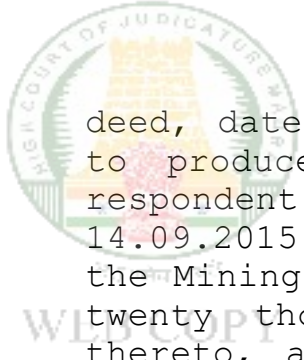
For Petitioner : Mr.A.Rahul
For Respondents : Mr.S.Kumar,
Additional Government Pleader.

ORDER

This writ petition has been filed by the petitioner to issue a Writ of Mandamus to direct the respondents to extend the period of lease to five months, for which the petitioner was not allowed to carry quarrying operations, from 13.05.2017 in respect of the Rough Stone Quarry situated in S.No.680/4 (West) of Poolancherri Village, Musiri Taluk, Tiruchirappalli District.

2.The case of the petitioner in nutshell is as follows:

2.1.The petitioner firm has been granted Mining Lease for Rough Stone Quarrying to an extent of 2.20 hectares, in S.No.680/4 Poolancherri Village, Musiri Taluk, Tiruchirappalli District, by way of Tender cum Public auction, for a period of five years commencing from 14.05.2012 to 13.05.2017, by lease



deed, dated 14.05.2012. Thereafter, the petitioner firm was asked to produce Mining Plan and after its production, the second respondent approved the same and sent a communication dated 14.09.2015 to that effect. Thereafter, the petitioner submitted the Mining Plan along with a Demand Draft for Rs.20,000/- (Rupees twenty thousand only) to the Appraisal Committee, subsequent thereto, as per the Rules, the petitioner Company submitted all the relevant documents to the Expert Committee for issuance of Environmental Clearance certificate by S.E.I.A.A. and on receipt of the same, as per the new notification, the files were sent to the District Level Environmental Committee for processing, where the same was kept pending due to the fact that the post of Member to the District Level Environmental Committee is said to be vacant at that time.

2.2.It is submitted by the petitioner that pursuant to non receipt of the required Environmental Clearance certificate from the appropriate forum, the petitioner company was not allowed to carry out quarrying operations for a period of five months, which led the petitioner to file a representation before the respondents to grant Environmental Clearance and also to permit them to carry quarrying operations for five more months commencing from 13.05.2017. As the respondents had not considered the same, the petitioner is before this Court with the above prayer.

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

4.The learned Counsel for the petitioner would submit that it would be suffice, if the representation of the petitioner dated 13.05.2017, is disposed of by the respondents as per law.

5.On the other hand, the learned Additional Government Pleader appearing for the respondents submitted that the lease period granted to the petitioner got already expired and the petitioner failed to obtain clearance certificate from the statutory authorities, pursuant to which, the transport permit had also not been issued to them. The learned Additional Government Pleader further submitted that the representation of the petitioner shall be considered by the authorities concerned, if the petitioner produces the necessary documents, before them.

6.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 13.05.2017, for carrying out quarrying operation, if the petitioner produces the required/necessary documents obtained from the statutory authorities and pass appropriate orders on its own merit 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.

7. The writ petition is disposed of as above. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

/ True Copy /

Sub Assistant Registrar (C.S.)

To

1. The District Collector,
Tiruchirappalli District Collectorate, Tiruchirappalli.

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

+1cc to Special Government Pleader, SR.No.67116

gk

MAS-MR-KKR/SAR1:28.07.2017:3P-4C

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