

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10039 of 2013

G.S. 115, Tambaram - Kadaperi,
Adhi Thiravidar Labour Contract
Co-operative Society Limited,
Rep by its Ex-President S. Murthy,
No.51, Thuruneermalai Road,
Kasthuribai Nagar, Chennai - 45. ... Petitioner

Vs.

The District Collector,
Kancheepuram District,
Kancheepuram. ... Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the Respondent herein to consider the representation of the Petitioner dated 15.03.2013 and dispose the same in accordance with law.

For Petitioner : Mr.B.R.Shankaralingam

For Respondent : Mrs.A.Shrijayanthi,
Special Government Pleader

O R D E R

The relief sought for in this writ petition is for a direction to direct the Respondent to consider the representation of the Petitioner dated 15.03.2013 and dispose of the same.

2. The Plain reading of the representation submitted by the writ petitioner on 15.03.2013, states that the writ petitioner seeks grant of Stone Quarry lease to the petitioner society. Grant of lease can never be claimed as a matter of legal right. Grant of lease is to be considered on receipt of application from all the eligible persons and in accordance with law. Merely submitting a representation, the writ petitioner

cannot seek the relief for grant of lease for Stone Quarrying.

3. The learned Special Government Pleader appearing on behalf of the respondents brought to the notice of this Court that the earlier writ petition filed by the writ petitioner was disposed of with a direction to consider the representation. Pursuant to the orders, the District Collector considered the claim of the writ petitioner and rejected the same as the writ petitioner's were not eligible for lease.

4. This being the factual position, this Court is of an opinion that once again, the writ petitioner cannot file a writ petition for considering the representation to grant of Stone Quarry lease. It is needless to state that lease to Stone Quarry are to be granted strictly in accordance with the rules and regulations and by following the procedures as contemplated. Thus, the writ petitioner cannot seek a direction even to dispose of the representation in the absence of establishing any legal right. Considering the facts and circumstances, this Court is of an undoubted opinion that the writ petitioner has not established even a semblance of legal right, so as to consider the relief as such sought for in the present writ petition.

5. Accordingly, this writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

pds/kak

To

The District Collector,
Kancheepuram District,
Kancheepuram.

+1cc to M/s.hankaralingham, Advocate SR.No.72499

+1cc to Government Pleader SR.No.72441

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RGN (CO)

GMV (19/11/2018)