

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.34760 of 2006

and

MP.No.1 of 2006

M/s. Allways Exports,  
G1, Sakthi Towers,  
57/1, 8th Cross East Street,  
Shenoy Nagar,  
Chennai - 600 030.  
Rep. by its Managing Partner,  
S.Kumari Kanakam

... Petitioner

vs.

1. The Secretary to Government,  
Industries Department,  
Government of Tamilnadu,  
Fort St.George, Chennai - 9.
2. The Principal Chief Conservator of Forest,  
Panagal Buildings, Chennai - 15.
3. The District Collector,  
Salem District, Salem.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorariffied Mandamus calling for the records relating to first respondent's order made in G.O.Ms.No.89, Industries (MMB2) Department dated 05.08.2006 and quash the same and direct he first respondent to grant deficiency lease period of 4 years 2 months to the petitioner with respect to granite quarry lease comprised in S.No.1/1 (part) of Manjini Village, Attur Taluk, Salem District over an extent of 10.00 Acres.

For Petitioner : M.Muthappan

For Respondents: Mr. Akhil Akbar Ali for R1 & R3  
Government Advocate  
None appeared for R2

O R D E R

The order of rejection issued by the first respondent in G.O.Ms.No.89, Industries (MMB2) Department dated 05.08.2006 for grant of extension of time to quarry black granites in Manjini Village, Attur Taluk, Salem District is under challenge in the present writ petition.

2. The learned counsel for the writ petitioner states that permission was granted to the writ petitioner to quarry black granites over an extent of 10.00 acres in S.No.1/1 (part) of Manjini Village, Attur Taluk, Salem District for the period of 10 years with reference from 12.07.1995. Even before the completion of the license period, the petitioner was restrained from quarrying by the forest officials on the ground that the quarrying operations are prohibited in forest area. Thus, the writ petitioner could not be able to continue his quarrying operations in that particular locality.

3. The petitioner made an appeal before the first respondent for extension of lease period granted with effect from 12.07.1995. The Government considered the request and passed an order on 05.08.2006 stating that there is no provision in the Rule of Tamil Nadu Minor Mineral Concession Rules, 1959 to compensate any loss of time in lease period.

4. In view of the fact that the said order of rejection was passed during the year 2006, now after a lapse of about 12 years this Court cannot extend the time for continuing the lease nor grant any permission for the writ petitioner to quarrying black granites in the particular land. However, if Rule permits it is for writ petitioner to approach the Competent Authorities for grant of fresh license or otherwise by following procedures contemplated.

5. With these observations, the writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

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Sd/-  
Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

Pkn

To

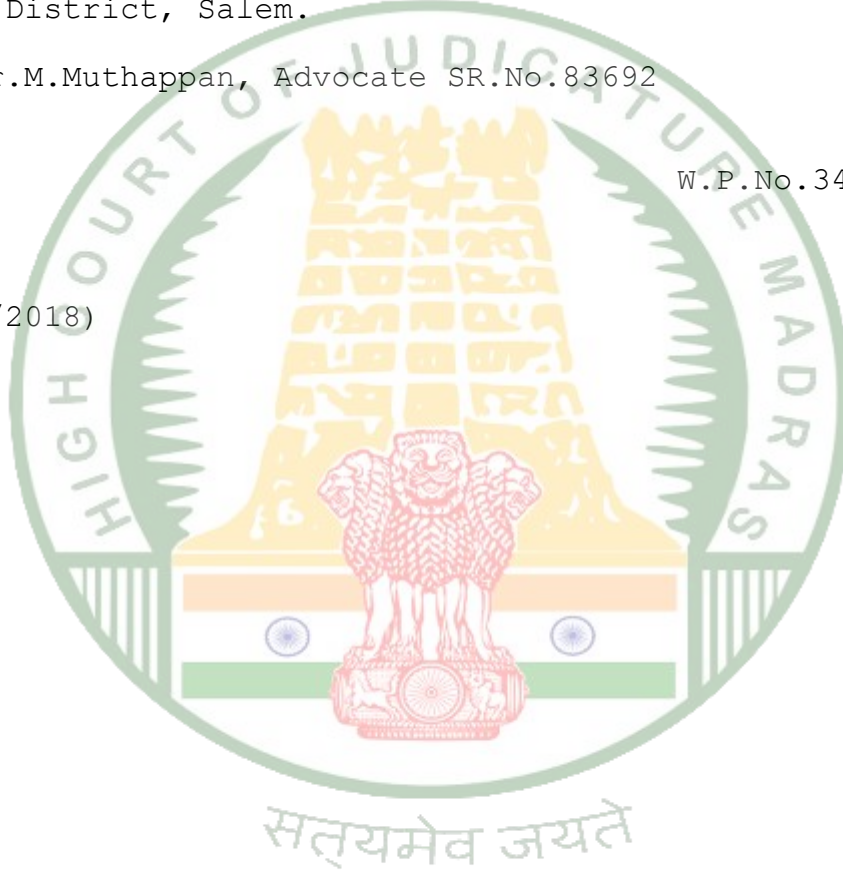
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+1cc to Mr.M.Muthappan, Advocate SR.No.83692

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VSN II (CO)

GMV (28/12/2018)



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