

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.36728 of 2006
and
MP.No.2 of 2006

N.Somalingam

... Petitioner

vs.

1. The Secretary to Government,
State of Tamilnadu,
Industries Department,
Chennai - 9.

2. The District Collector,
Madurai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorarified Mandamus calling for the records pertaining to the 1st respondent's letter bearing No.7959/MMB1/2005-I dated 18.08.2005 with respect to petitioner's lease hold granite quarry patta land comprised in survey No.102/7 & 116/1A of Idayapatti village, Madurai (North) Taluk, Madurai District over an extent of 0.55.0 hectares and quash the same and direct the 1st respondent to grant renewal of petitioner's granite quarrying lease for another period of 10 years.

For Petitioner : Mr.M.Muthappan

For Respondents: Mr.Akhil Akbar Ali for R1 & R2

O R D E R

The rejection of the claim of the writ petitioner for grant of renewal of quarrying operation in proceeding dated 18.08.2005 is under challenge in the present writ petition.

2. The learned counsel appearing on behalf of the writ petitioner states that, the writ petitioner was initially

granted permission to quarry in his patta land. Accordingly, the petitioner continued the quarry operation. On expiry of lease period, the petitioner submitted an application for renewal of license and the same is rejected on the ground that the petitioner was not possessing a requisite area of land for renewal of lease period with reference to Section 19A Sub-section 11(A) of Tamil Nadu Minor Mineral Concession Rules, 1959.

3. This being the factum, now after a lapse of about 12 years from the date of filing of the writ petition, the claim of the writ petitioner for renewal of license cannot be considered by this Court. However, if the writ petitioner is eligible for fresh license or otherwise, he is at liberty to submit an application under the Rules and by following procedures contemplated.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Pkn

To

1. The Secretary to Government,
State of Tamilnadu,
Industries Department,
Chennai - 9.

2. The District Collector,
Madurai.

+1cc to Mr.M.Muthappan, Advocate, S.R.No.83691

W.P.No.36728 of 2006

SSI (CO)
GSP (31/12/2018)