



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:29.01.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No. 1600 of 2018

S.Sannasi

... Petitioner

-vs-

1.The District Collector,
Collectorate,
Thoothukudi District,
Thoothukudi.

2.The Assistant Director,
Geology and Mining,
Collectorate,
Thoothukudi.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to extend the licence, dated 09.06.2015 in R.O.C.G.M.1/612/2013 issued by the first respondent for further 12 months granting permission to take gravel/earth in the light of order, dated 29.4.2016 passed by this Court in W.P(MD)No.6476 of 2016.

For Petitioner : M/s.Rajiv Rufus

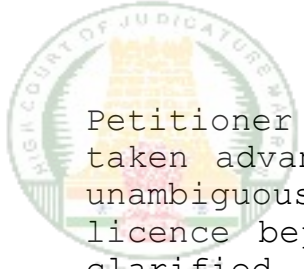
For Respondents : Mr.Aayiram K.Selvakumar
Additional Government Pleader

O R D E R

The relief sought for in this Writ Petition is to direct the respondents to extend the licence, dated 09.06.2015 in R.O.C.G.M.1/612/2013 issued by the first respondent for further 12 months granting permission to take gravel/earth in the light of order, dated 29.4.2016 passed by this Court in W.P(MD)No.6476 of 2016.

2.Mr.Aayiram K.Selvakumar,learned Additional Government Pleader takes notice for the respondents.

3.The Writ Petitioner had been granted with licence vide proceedings, dated 9.6.2015 for quarrying for transporting gravel/earth from Thuppasapatti Kanmai at Keela Arasaradi Village, Ottapidaram Taluk for 11 months. Admittedly, the licence period expired on 8.5.2016. The relief sought for in this Writ Petition is to extend the licence period, which cannot be granted automatically and the Writ Petitioner is liable to be vacated from the quarrying premises after expiry of the licence period on 8.5.2016. However, the earlier order passed by this Court on 29.4.2016 also clarifies that the order passed is only to enable the



Petitioner to complete his licence period and the same cannot be taken advantage for any other purpose. Thus, the earlier order was unambiguous that the Petitioner is not allowed to continue the licence beyond the period which expired on 8.5.2016. Further, it clarified in the order passed above that the Writ Petitioner cannot take advantage of the continuation after the expiry of the licence period. Therefore, the present Writ Petition filed seeking extension of licence period, cannot be considered. However, the learned counsel for the Petitioner brought to the notice of this Court that the deposit amount of the Petitioner is lying with the Government. In this regard, the Petitioner made a representation, dated 27.6.2016.

4.The learned Additional Government Pleader appearing for the respondents undertakes that the claim of the Writ Petitioner for refund of the deposit amount will be made in accordance with law and suitable orders will be issued setting out the calculations also.

5.It is made clear that the respondents are bound to settle the deposit amount to the Writ Petitioner by issuing details of calculations. However, retention of licence cannot be granted after expiry of licence period. The authorities competent are bound to conduct open auction in order to generate better revenue for the benefit of the State and so also in the interest of general public. Hence the relief as such sought for in this Writ Petition cannot be granted.

6.Accordingly, the Writ Petition stands dismissed. It is made clear that the Writ Petitioner, if otherwise eligible, is at liberty to participate in the fresh auction to be conducted by the authorities. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub-Assistant Registrar

To

1.The District Collector,
Collectorate, Thoothukudi District,
Thoothukudi.

2.The Assistant Director,
Geology and Mining,
Collectorate, Thoothukudi.

+One cc to Mr.V.Rajiv Rufus, Advocate, SR.No.44422

+One cc to The Special Government Pleader, SR.No.44781

vsn

RL/5C/2P/KK/SAR1/7/2/2018

<https://hcservices.ecourts.gov.in/hcservices/>

W.P. (MD) No.1600 of 2018

29.01.2018