

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.23493 of 2010

&

M.P.Nos.1 & 2 of 2010

M/s.Imperial Granites Private Ltd.,
Rep. By its Director Mr.S.R.Asaithambi,
No.76, Cathedral Road,
Chennai-600 086.

...Petitioner

Vs.

1.State of Tamilnadu,
Rep. by Secretary to Government,
Industries Department,
Fort St. George, Madras-6200 009.

2.The District Collector,
Dindigul District,
Dindigul.

... Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records of the ^{first} respondent's G.O.(D) No.149 Industries (MMB2) Department dated 28.08.2010, pertaining to the petitioner's patta lands measuring 0-40-5 Hectares in S.F.No.266/3, 0.30.0 Hectare in S.F.No.264/3, 0.04.5 Hectare in S.F.No.264/2, 0.00.5 Hectare in S.F.No.264/3, 0.11.0 Hectares in S.F.No.266/2A and 0.13.0 Hectare in S.F.No.266/2B totally measuring 0.99-5 Hectares, situated in Nallur Village of Vendasandur Taluk, Dindigul District, quash the same and direct the first respondent to grant renewal of the quarrying lease by reconsidering the petitioner's renewal application dated 24.09.2007.

For Petitioner : M/s.K.Ramakrishnareddy

For Respondents : Mr.J.Ramesh,
Addl. Govt. Pleader

O R D E R

The petitioner has filed this writ petition, seeking the following relief:-

"To issue a writ of Certiorarified Mandamus, to call for the records of the ^{first} respondent's G.O.(D) No.149 Industries (MMB2) Department dated 28.08.2010, pertaining to the petitioner's patta lands measuring 0-40-5 Hectares in S.F.No.266/3, 0.30.0 Hectare in S.F.No.264/1, 0.04.5 Hectare in S.F.No.264/2, 0.00.5 Hectare in S.F.No.264/3, 0.11.0 Hectares in S.F.No.266/2A and 0.13.0 Hectare in S.F.No.266/2B totally measuring 0.99-5 Hectares, situated in Nallur Village of Vedasandur Taluk, Dindigul District, quash the same and direct the first respondent to grant renewal of the quarrying lease by reconsidering the petitioner's renewal application dated 24.09.2007."

2.The case of the petitioner is that based on the G.O.3(D) No.135 Industries (MMB.II) Department, dated 09.10.1998, issued by the first respondent, the petitioner was granted granite quarry lease in respect of petitioner's patta lands measuring 0.40.5 Hectares in S.F.No.266/3, 0-30-0 Hectare in S.F.No.264/1, 0-04-5 Hectare in S.F.No.264/2, 0.00-5 Hectare in S.F.No.264/3, 0-11-0 Hectares in S.F.No.266/2A and 0-13-0 Hectare in S.F.No.266/2B totally measuring 0-99-5 hectares and necessary lease agreement was executed on 29.12.1998 and the same was registered. The lease is for a period of ten years i.e. from 29.12.1998 to 28.12.2008. Subsequently, the Government of India framed Granite Conservation and Development Rules, 1999 with effect from 01.06.1999. As per the said rules, the minimum period of lease shall be twenty years and the lessee is entitled for one renewal. Since the lease was expiring on 28.12.2008, the petitioner sent an application dated 24.09.2007 for renewal of the lease. Though the respondents did not pass any orders on the renewal application, the petitioner filed a writ petition in W.P.No.17761 of 2008 before this Court and this Court disposed of the Writ Petition by an order dated 25.07.2008 directing the first respondent to pass orders on the renewal application within a period of three months. Subsequently, since the first respondent has not passed any order on the petitioner's representation dated 20.11.2008, the petitioner moved another writ petition in W.P.No.30222 of 2008 and this Court has allowed the Writ Petition by an order dated 22.12.2008 with a direction directing the first respondent to pass orders on the renewal

application within a period of two weeks. Thereafter, the first respondent issued impugned G.O.(D) No.149 Industries (MMB2) Department, dated 28.08.2000, rejecting the renewal application of the petitioner. As against the rejection of the renewal application, the present writ petition has been filed by the petitioner.

3.The learned counsel appearing for the petitioner would submit that without going into the merits of the case, this Court may direct the first respondent to consider the petitioner's renewal application dated 24.09.2007.

4.The learned Additional Government Pleader appearing for the respondents would fairly conceded the request made by the learned counsel appearing for the petitioner.

5.In view of the limited request made by the learned counsel for the petitioner, which was also conceded by the learned learned Additional Government Pleader, this court is inclined to issue a direction to the first respondent to consider the renewal application dated 24.09.2007 filed by the petitioner along with the copy of this order within a period of eight weeks from the date of receipt of a copy of this order and for ready reference, the petitioner shall send a copy of the representation for enabling the first respondent to pass appropriate orders in accordance with law.

6.With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

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To

1.State of Tamilnadu,
Rep. by Secretary to Government,
Industries Department,
Fort St. George, Madras-6200 009.

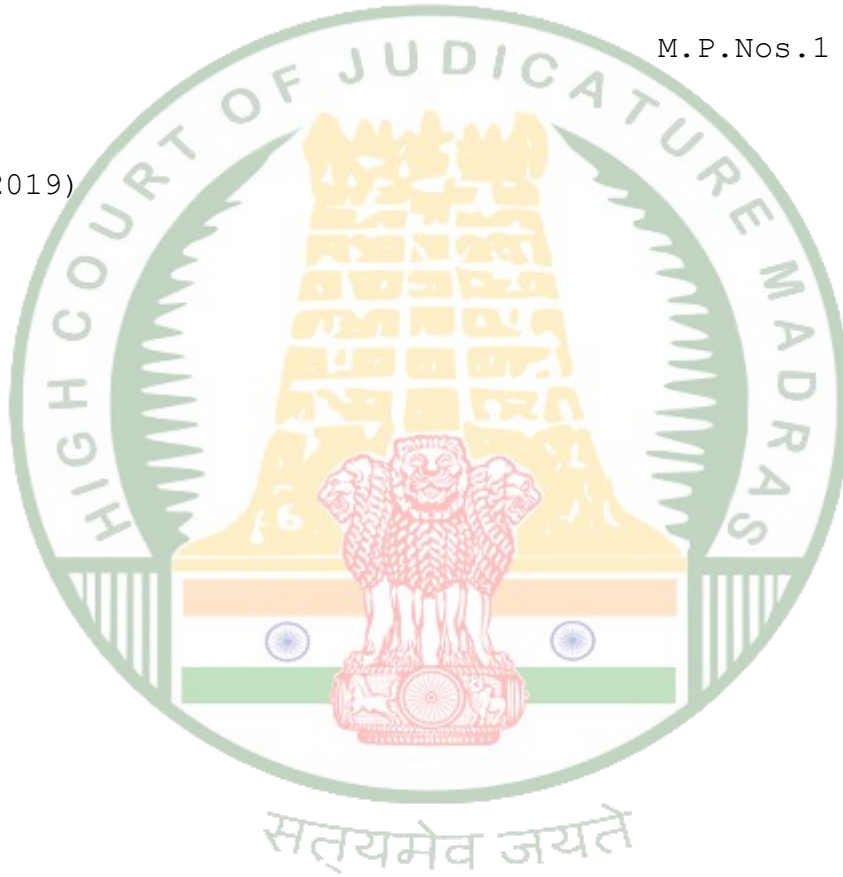
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2.The District Collector,
Dindigul District,
Dindigul.

+1 CC to Mr.K. Ramakrishna Reddy, Advocate sr 63456.
+1 CC to Govt. Pleader sr 63849.

W.P.No.23493 of 2010
&
M.P.Nos.1 & 2 of 2010

BS (CO)
SP (29/08/2019)



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