

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.19268 of 2020

M. Parthiban

... Petitioner

Vs.

1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.

2. The Assistant Director of Geology and Mining,
Department of Geology and Mining,
Tiruvannamalai District, Tiruvannamalai.

... Respondents

PRAYER: The Writ Petition has been filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the first respondent to consider the representation of the petitioner dated 02.11.2020 on merits and in accordance with law within a time framed that may be fixed by this Court.

For Petitioner : Mr.V.Sanjeevi
For Respondents : Mr.Akhil Akbar Ali
Government Advocate

O R D E R

The present Writ Petition has been filed for the issuance of a Writ of Mandamus to direct the first respondent to consider the representation of the petitioner dated 02.11.2020 on merits and in accordance with law within a time framed that may be fixed by this Court.

2. The learned counsel for the petitioner submits that the first respondent District Collector, in and by Tiruvannamalai District Gazette Extra-Ordinary Issue No.13, dated 22.06.2010 notified the Government land bearing S.F.No.224 (Part-A) admeasuring 1.00.0 Hectare in Pudupalayam Village, Polur Taluk, Tiruvannamalai District for grant of lease for quarrying stones to the successful bidder/tenderer for a period of 10 years through Tender-cum-Auction.

3. He further submits that the petitioner participated in the auction and bid a sum of Rs.2,00,000/- as one time lease

amount for a period of 10 years. Since the petitioner has become the successful bidder and remitted the entire lease amount, the first respondent granted the lease to the petitioner for quarrying stones from the said area for a period of 10 years by proceedings dated 24.12.2010. Pursuant to the order of the first respondent, the Lease Deed in Appendix -I in the Tamil Nadu Minor Mineral Concession Rules, 1959, came to be executed between the petitioner and the first respondent for a period of 10 years commencing from 24.12.2010 ending with 23.12.2020.

4. He further submits that the petitioner obtained all the necessary clearances from the Pollution Control Board and spent enormous money for making a pathway for the said area. The petitioner commenced the quarry operation only on 11.06.2020 and obtained transport permit for the first time only on 11.06.2020. In the meanwhile, there is a non-operative period of nine years and five months. In order to compensate the said non-operative period, the petitioner sent a detailed representation to the respondents on 02.11.2020 pointing out all the factors and the petitioner requested the first respondent to permit him to continue the quarry operation for the said non-operative period of nine years and five months after the expiry of the lease period. But, the same is yet to be disposed of by the first respondent. Hence, the petitioner is before this Court.

5. Heard the learned counsel appearing for the petitioner and learned Government Advocate appearing for the respondents.

6. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the representation, directs the first respondent/ the District Collector, Tiruvannamalai District, to consider the petitioner's representation dated 02.11.2020 and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and the persons interested in this regard and also affording them an opportunity of personal hearing, within a period of four (4) weeks from the date of receipt of a copy of this order.

With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.
2. The Assistant Director of Geology and Mining,
Department of Geology and Mining,
Tiruvannamalai District, Tiruvannamalai.

+1 CC to Mr.V.Sanjeevi,Advocate sr 42418

+1 CC to The Government Pleader sr 42256.

W.P.No.19268 of 2020

AD(CO)
SP(22/01/2021)



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