



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.09.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 11047 of 2020 and

W.M.P. (MD) No. 9682 of 2020

WEB COPY

P.Jeyalakshmi

... Petitioner

Vs.

1. The District Collector,
Tuticorin District,
Tuticorin.
2. The Assistant Director,
Department of Geology and Mines,
Collectorate Buildings,
Tuticorin District.
3. The Assistant Collector,
Tuticorin District,
Tuticorin.
4. The Revenue Divisional Officer,
Kovilpatti,
Tuticorin District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing respondents 1 and 2 to issue permit (இசைவாணை சீட்டு) based on the Lease Order dated 11.03.2020 passed by the first respondent in his proceeding in Rc.No.G.M.408/G&M/2018 vide the petitioner's representation dated 01.09.2020.

For Petitioner	: Mr.S.Parthasarathy, for Mr.V.Malaiyendran.
For Respondents	: Mr.S.Angappan, Government Advocate.

* * *

ORDER

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

2. The stand of the petitioner is that she purchased the properties comprised in Survey Nos.665/1, 676, 372, 679, 682 and 680 in Mudukkalankulam Village, Kayathar Union, vide sale deed dated 19.12.2012. It was registered as document No.12357/12 before the Sub



Registrar's Office, Kovilpatti. The petitioner also effected mutation in the revenue records. Copies were also issued in the name of the petitioner. Armed with these documents, the petitioner applied to the District Collector, Thoothukudi, for grant of quarry lease by submitting her application dated 16.08.2018. After following the procedures set out in the relevant rules, the first respondent vide proceedings dated 11.03.2020 granted quarry lease in favour of the petitioner. The petitioner was permitted to quarry the lands in Survey Nos.679, 680, 681 and 682 measuring an extent of 3.25.0 Hectares. The lease was to be valid for a period of two years.

3. While so, the respondents have declined to issue permit for transporting quarried mineral.

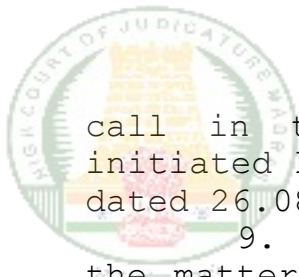
4. The petitioner submitted a representation dated 01.09.2020 in this regard. Since there was no response, this writ petition came to be filed.

5. The prayer made in this writ petition is strongly opposed by the learned Government Advocate.

6. The first respondent had also filed a detailed counter affidavit. The stand of the respondents is that one Rajesh Kanna lodged a complaint that the petitioner had fraudulently purchased the lands that were assigned to poor landless under the land reform laws. Based on the said complaint, the Assistant Collector conducted discreet enquiry. The discreet enquiry revealed that the allegation were *prima facie* correct. Therefore the Revenue Divisional Officer, Kovilpatti Division, issued show cause notice to the petitioner on 26.08.2020. The petitioner was called upon to appear for enquiry on 03.09.2020. The first respondent had also issued show cause notice on 26.08.2020 calling upon the petitioner to explain as to why the quarry lease given to the petitioner should not be cancelled.

7. The stand of the learned Government Advocate is that without cooperating in the said proceedings, the writ petitioner has chosen to move this Court for relief.

8. I must necessarily sustain the stand taken by the learned Government Advocate. If the quarry lease is holding good and no action has been taken in this case, certainly I would not have any hesitation to allow this writ petition filed by the petitioner as prayed for. But as rightly pointed out by the learned Government Advocate, the first respondent has issued show cause notice for cancelling the quarry lease itself. The petitioner is bound to respond to the same. The petitioner is given two more weeks from the date of receipt of a copy of this order to offer her explanation. The first respondent will hear the petitioner, consider all the materials submitted by the petitioner and thereafter, take a



call in the matter. Based on the outcome of the proceedings initiated by the first respondent pursuant to the show cause notice dated 26.08.2020, the rights of the petitioner will abide.

9. I make it clear that I have not gone into the merits of the matter. All the rights of the petitioner are left open. This writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The District Collector,
Tuticorin District,
Tuticorin.
2. The Assistant Director,
Department of Geology and Mines,
Collectorate Buildings,
Tuticorin District.
3. The Assistant Collector,
Tuticorin District,
Tuticorin.
4. The Revenue Divisional Officer,
Kovilpatti,
Tuticorin District.

+1 CC to M/s.GP (SR-18246[F] dated 28/09/2020)

W.P.(MD)No.11047 of 2020
25.09.2020

SS (CO)

KK(08.10.2020) 3P 6C

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