



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.12.2020**

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD) .No.17787 of 2020

S.Shanmugavel

.. Petitioner

Vs.

The District Collector,
Tuticorin District,
Tuticorin.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, to direct the respondent to permit the petitioner to conduct stone quarrying operation in S.F.NO.418/1A, of Kattalamkulam Village, Tuticorin taluk, Tuticorin District for a period of two years and two months (Non-operative period) for which the petitioner was not permitted to quarry during the lease period accorded vide the proceedings of the respondent in ROC.No.G.M.1/114/2013, dated 02.06.2014, within the time that may stipulated by this Court.

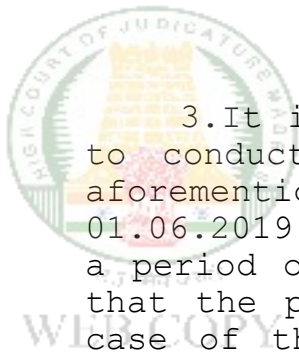
For Petitioner	:	Mr.M.Ajmal Khan, Senior Counsel for Mr.P.Subbaraj
For Respondent	:	Mr.C.Ramesh Special Government Pleader

ORDER

(This Matter was heard through the Video Conference)

This writ petition has been filed for a Mandamus seeking for a direction to the respondent to permit the petitioner to conduct stone quarrying operation in S.F.No.418/1A, of Kattalamkulam Village, Tuticorin taluk, Tuticorin District, for a period of two years and two months (Non-operative period) for which the petitioner was not permitted to quarry during the lease period accorded, vide the proceedings of the respondent in ROC.No.G.M.1/114/2013, dated 02.06.2014.

2.Heard Mr.M.Ajmal Khan, learned Senior Counsel appearing for the petitioner and Mr.C.Ramesh, learned Special Government Pleader, appearing for the respondent.

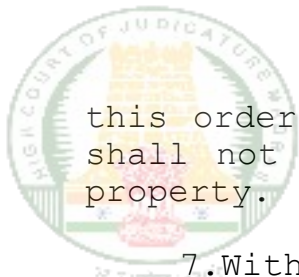


3.It is the case of the petitioner that he was granted licence to conduct stone quarrying operation by the respondent, in the aforementioned property between the period from 02.06.2014 to 01.06.2019. However, the licence was suspended from 18.04.2017, for a period of 2 years and 2 months, by the respondent on the ground that the property falls within the Eco-sensitive zone. It is the case of the petitioner that thereafter, the suspension order was revoked by the respondent on 08.11.2019 on the ground that on investigation, it was found that the property does not fall under the Eco-sensitive zone. According to the petitioner, he was unable to exploit the licence for the full period of five years, in view of the arbitrary suspension of the petitioner's licence from 18.04.2017, for a period of 2 years and 2 months. In such circumstances, he has sought for permission from the respondent to conduct stone quarrying operation for a further period of 2 years and 2 months.

4.The learned Senior Counsel for the petitioner drew the attention of this Court to the common order, dated 09.11.2020, passed by this Court in W.P.(MD).No.9133 of 2020 batch, involving an identical issue, wherein the petitioners in those writ petitions had challenged the rejection orders passed by the respondent rejecting the request made by them for extension of licence for the non operative period, on account of the arbitrary suspension of licence. The learned Senior counsel would submit that in the case on hand, the application has not been rejected and therefore, the petitioner is seeking for mandamus, seeking for a direction to the respondent to consider the petitioner's application, seeking for extension of licence in the light of the common order dated 09.11.2020, referred to supra.

5.Admittedly, the licence of the petitioner in this case also was suspended without any basis as it has been found by the respondent that the petitioner's land does not fall within the Eco-sensitive zone as per the notification dated 08.11.2019 issued by the Ministry of Environment and Forest, Government of India. While that be so, the petitioner is also entitled to seek permission of the respondent to conduct stone quarrying operation in the aforementioned land for a period of two years and two months (non operative period) and the respondent will have to consider the said request on merits and in accordance with law.

6.For the foregoing reasons, this Court directs the respondent to consider the petitioner's representation dated 23.11.2020, seeking for extension of licence for a further period of two years and two months (non operative period), to conduct stone quarrying operations in S.F.No.418/1A, of Kattalamkulam Village, Tuticorin Taluk, Tuticorin District, and pass final orders on merits and in accordance with law and in the light of the common order dated 09.11.2020, passed by this Court in W.P.(MD).Nos.9133 of 2020 batch, of four weeks from the date of receipt of a copy of



this order. It is made clear that till such time, the petitioner shall not conduct stone quarrying operations in the aforementioned property.

7. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

TM

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

The District Collector,
Tuticorin District,
Tuticorin.

+1 CC to Mr.P.SUBBARAJ, Advocate SR-24321.

**W.P (MD) .No.17787 of 2020
07.12.2020**

MJ (CO)
CS (18.12.2020) 3P 3C