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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.29629 of 2008

M.R.Duraiswamy

... Petitioner

Vs.

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Deputy Directo,
(Geology and Mining) Department,
Kancheepuram.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for records vide proc.No.RC.1891/02 - Q1 dated 05.09.2003 on the file of the 1st respondent and vide NA.KA.No.745/08 Q3 dated 14.11.2008 on the file of the Second respondent herein and Quash the same, and further to direct the respondent to grant the sand quarry lease for a period of 6 months in an alternative site in Survey No.584 Sathanancherry village, Uthiramerur Taluk, Kancheepuram District or any other alternative area.

For Petitioner : Mr.G.Muniratnam

For Respondents : Mr.K.M.D.Muhilan

Government Advocate

O R D E R

The relief sought for in the present writ petition is to call for records vide proc.No.RC.1891/02 - Q1 dated 05.09.2003 on the file of the 1st respondent and vide NA.KA.No.745/08 Q3 dated 14.11.2008 on the file of the Second respondent herein and Quash the same, and further to direct the respondent to grant the sand quarry lease for a period of 6 months in an alternative site in Survey No.584 Sathanancherry village, Uthiramerur Taluk, Kancheepuram District or any other alternative area.

2. The learned Government Advocate appearing on behalf of



the respondents brought to the notice of this Court that the lease deed itself was not executed in favour of the writ petitioner due to the objections raised by the people of that local area.

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3. Thus, the deposit amount paid by the petitioner was ordered to be refunded and further, the second application submitted by the writ petitioner was also rejected. Thus, the quarry lease was not granted to the writ petitioner and no deed of lease was executed in favour of the writ petitioner.

4. The order for refund is under challenge. The present writ petition is filed in the year 2008 and already 13 years lapsed. When the lease was not executed and the writ petition was filed in the year 2008, no relief needs to be granted on account of efflux of time and further, on the fact that no lease deed was executed in favour of the writ petitioner.

5. Further, subsequent amendment to the provisions of the Rules, more specifically, Rule 38A reveals that the sand quarry is to be done only by the Public Works Department and not by the private people. Thus, the petitioner is not entitled for any relief.

6. Accordingly, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

Jeni/Cse

To

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Deputy Directo,
(Geology and Mining) Department,
Kancheepuram.

+lcc to Mr.G.Munirathnam, Advocate SR.No.65021

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VBM(CO)
GN(20/12/2021)