

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.143 of 2016

and

WMP No.68 of 2016

R.Parthiban

...

Petitioner

versus

1. The District Collector,
Villupuram District,
Villupuram.

2. The Assistant Director,
Geology and Mines,
Villupuram District.

3. The Inspector of Police,
Brahmadesam Police Station,
Tindivanam Taluk,
Villupuram District. *

... Respondents

* R3 is impleaded as per order dated 3.3.2016 in
WMP No.4596 of 2016.

Prayer : Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the respondents 1 and 2 to permit the petitioner to carry out quarrying operation for the unutilised period of 15 months from May 2015 to July 2016 and issue transport permit to the petitioner for the leasehold premises situated at S.F. No.16 Part 1 in Thennampondi Village, Tindivanam Taluk #
Prayer amended as per order dated 30.09.2016 in WMP No.28233 of 2016 in W.P.143 of 2016.

For petitioner ... Mr.V.Elangovan

For respondents ... Mr.V.Shanmuga Sundar
Additional Government Pleader
for R1 & R2
Mr.E.Manoharan,
Special Government Pleader for R3

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 & 2 to permit the petitioner to carry out quarrying operations for the unutilised period of 15 months from May 2015 to July 2016 and to issue transport permit to the petitioner for the leasehold premises situated at S.F. No.16 Part 1 in Thennampondi Village, Tindivanam Taluk.

2. It is the case of the petitioner that he was having a valid mining license issued by the second respondent for the aforementioned property for the period from 01.08.2011 and 31.07.2016. However, according to him, the second respondent prevented him from quarrying operations in his property between the period from May 2015 to July 2016 for a period of 15 months on the ground that explosives were stored illegally in his property. According to him, a false case has been foisted against him by the second respondent and he has been unlawfully prevented him from carrying out quarrying operations for a period of 15 months from May 2015 to July 2016. The petitioner has sought for permission from the second respondent to carry out mining operations for the unutilised period of 15 months i.e. May 2015 to July 2016 in this writ petition.

3. Heard Mr. learned counsel for the petitioner and Mr. V. Shanmuga Sundar, Additional Government Pleader appearing for the first and second respondents. Mr. E. Manoharan, Special Government Pleader appearing for the 3rd respondent.

4. At the outset the learned Special Government Pleader appearing for the first and second respondents drew the attention of this Court to Rule 8 of the Tamil Nadu Minor Mineral Concession Rules, 1959 and in particular, he referred to Rule 8 (8)(ii) and would submit that the first respondent does not have the power to grant lease as per the said rule. Further, he would contend that explosives were stored in the petitioner's property and that is the reason for preventing the petitioner from doing quarrying operations in the said property for a period of 15 months till the expiry of the lease period. Therefore, according to him, the writ petition is not maintainable. However, it is contention of the learned counsel for the petitioner that a false case has been registered against the petitioner and just because a criminal case is pending, without conviction, the respondents ought not to have prevented

the petitioner from doing quarrying operations in petitioner's property. Therefore, according to him, illegally, the respondents have prevented the petitioner from doing quarrying operations for a period of 15 months till the expiry of the lease. Hence, according to the petitioner, the petitioner is entitled for doing quarrying operations for the unutilised period of 15 months i.e., from May 2015 to July 2016.

5. Rule 8 of the Tamil Nadu Minor Mineral Concession Rules, 1959 reads as follows :

8) The period of lease for quarrying stone in respect of the virgin areas, which have not been subjected to quarrying so far, shall be ten years. The period of lease for quarrying stone in respect of other areas shall be five years. The period of lease for quarrying sand and other minor minerals, other than the minerals covered under Rules 8-A and 8-C of the said Rules, shall not exceed three years and shall not be less than one year and shall be subject to the following conditions namely :

(i) The date of commencement of the period of lease granted under this Rule shall be the date on which the lease deed is executed.

(ii) The lease shall expire on the date specified in the lease deed and in no case extension of the period of lease shall be made.

6. As seen from the aforementioned rule, it is clear that no extension can be granted in any case to the petitioner after expiry of the lease. It is the contention of the respondents that explosives were stored illegally by the petitioner in the property for which license was granted by the respondents for doing quarrying operations. A FIR has also been registered against the petitioner in respect of the said offence. This being the case, no extension of lease can be granted to the petitioner as per the aforesaid Rule. The only remedy that petitioner can seek from the respondents, if aggrieved is to seek compensation from the respondents for the unutilised period of the quarrying lease.

7. For the foregoing reasons, this Court is of the considered view that the prayer sought for in this writ petition is not maintainable in view of Rule 8 (8) (ii) of the Tamil Nadu Minor Mineral Concession Rules, 1959 and accordingly, the writ petition stands dismissed. However, liberty is granted to

the petitioner to seek compensation from the respondents, if he has suffered any loss on account of the alleged illegal disruption of quarrying operations by the respondents and the respondents shall consider the representation, if any, made by the petitioner in that regard on merits and in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vsi2

To

1. The District Collector,
Villupuram District,
Villupuram.
2. The Assistant Director,
Geology and Mines,
Villupuram District.
3. The Inspector of Police,
Brahmadesam Police Station,
Tindivanam Taluk,
Villupuram District.

+1cc to M/s.S.Doraisamy, Advocate Sr.373

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W.P. No.143 of 2016

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