

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.03.2021

C O R A M
THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE
W.P.No.5219 of 2021

M.Kandasamy

... Petitioner

Vs.

The District Collector,
Perambalur District,
Perambalur.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the respondent to pass orders on the representation dated 18.02.2020 followed by a reminder dated 01.02.2021 seeking quarrying lease consequent upon being declared successful as per Sl.No.26 relating to S.No.52/1, Block No.12, Sengunam Village, Perambalur District on merits and as per law and within the time.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.E.Manoharan,
Special Government Pleader

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the respondent to pass orders on the petitioner's application dated 18.02.2020 followed by a reminder dated 01.02.2021 seeking quarrying lease consequent upon being declared successful as per Sl.No.26 relating to S.No.52/1, Block No.12, Sengunam Village, Perambalur District on merits and in accordance with law within a time frame to be fixed by this Court.

2. Mr.E.Manoharan, learned Special Government Pleader accepts notice on behalf of the respondents. By consent of both the parties, this writ petition is taken up for final disposal at the time of admission itself.

3. It is the case of the petitioner that he was having a valid quarrying lease from the respondent in respect of the aforementioned property for a period of 10 years from 23.02.2010

to 22.02.2020. However, according to him he was stopped from quarrying after a period of 5 years by the respondent. According to the petitioner, the respondent prevented the petitioner from continuing with the quarrying operations due to some administrative inconvenience after the execution of the lease deed. According to the petitioner, similarly placed persons were allowed to continue the quarrying operations in the year 2017 and 2018. The petitioner has given representations to the respondent and the last such representation was given on 01.02.2021 requesting the respondent to grant lease for a period of 5 years, since the earlier lease was interrupted after a period of 5 years due to certain administrative inconvenience by the respondent. Since the representations have not been considered, this Writ Petition has been filed.

4. Heard Mr.L.Chandrakumar, learned counsel for the petitioner and Mr.E.Manoharan, learned Special Government Pleader on behalf of the respondent.

5. The relief sought for in this writ petition is an innocuous one. The petitioner claims that he was granted lease for a period of 10 years by the respondent on 23.02.2010, which ought to have been expired only on 22.02.2020 for the purpose of rough stone quarrying in his property mentioned above. According to the petitioner, he was prevented from quarrying after a period of five years by the respondent due to some administrative inconvenience after the execution of the lease deed. The petitioner has also contended before this Court that similarly placed persons were granted extension of lease by another period of 5 years in the year 2017 and 2018. He has given representations to the respondent requesting for extension of lease by another period of 5 years and last such representation was given on 01.02.2021. Admittedly, the said representations have not been considered by the respondent till date.

6. No prejudice will be caused to the respondent, if the petitioner's representations are considered on merits and in accordance with law, within a time frame to be fixed by this Court.

7. For the foregoing reasons, this Court directs the respondent to consider the petitioner's representation dated 18.02.2020 seeking for extension of lease for the purpose of quarrying rough stone in his property at Survey S.No.52/1, Block No.12, Sengunam Village, Perambalur District and pass final orders and in accordance with law, after affording a fair hearing to the petitioner, within a period of 12 weeks from the date of receipt of a copy of this order.

8. With the aforesaid directions, the Writ Petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS I)

/true copy/
Sub Asst. Registrar

srn

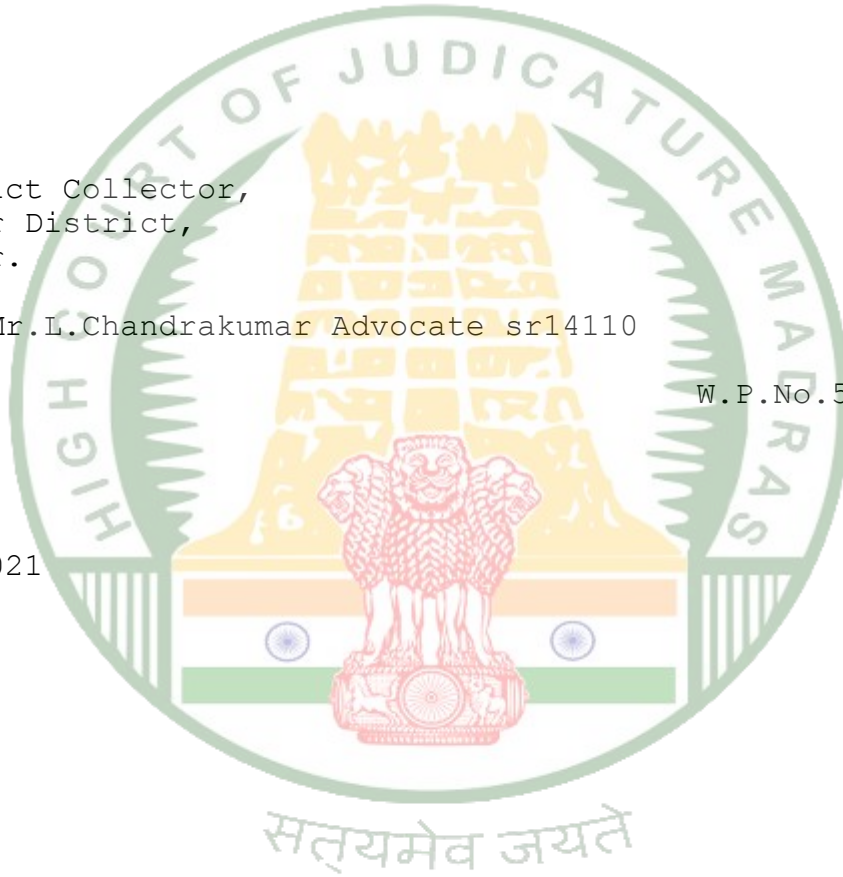
To

The District Collector,
Perambalur District,
Perambalur.

+1 cc to Mr.L.Chandrakumar Advocate sr14110

W.P.No.5219 of 2021

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