



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. Nos. 9996 and 9997 of 2021

R. Soundappan

.. Petitioner in both the WPs

Versus

1. The Commissioner of Geology and Mining,
Guindy, Chennai - 600032

2. The District Collector,
Collectorate Building,
Tiruppur District.

.. Respondents in both the WPs

W.P. No. 9996 of 2021: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to declare the mining lease to the petitioner for mining of quartz and feldspar granted vide RC. No. 11290/MM3/2001 dated 05.12.2001 in respect of petitioner's patta land situated in S.No.363/A2 & 364, Kambiliyampatti Village, Kangeyam Taluk, Tiruppur District as per the representation of the petitioner dated 20.12.2019 as lapsed and terminated due to non-operation

W.P. No. 9997 of 2021: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to declare the mining lease to the petitioner for mining of quartz and feldspar granted vide RC. No. 11289/MM3/2001 dated 18.10.2002 in respect of petitioner's patta land situated in S.No.431/2, Kambiliyampatti Village, Kangeyam Taluk, Tiruppur District as per the representation of the petitioner dated 20.12.2019 as lapsed and terminated due to non-operation

For Petitioner in both W.Ps. : Mr.K.R.Krishnan

For Respondents in both W.Ps. : Mr.G.Krishnaraja
Government Counsel



COMMON ORDER

These present writ petitions are filed seeking to issue a Writ of Mandamus directing the first respondent to declare the mining lease granted to the petitioner for mining of quartz and feldspar in respect of the petitioner's patta lands, as lapsed and terminated due to non-operation on the basis of his representation dated 20.12.2019.

2. According to the petitioner, he owns patta lands at Kambiliyampatti Village, Kangeyam Taluk, Tiruppur District, comprised in S.No.363/A2 & 364 and S.No.431/2 respectively in respect of which he was granted lease for the purpose of mining quartz and felisper for a period of 20 years by proceedings of the first respondent vide RC. No. 11290/MM3/2001 dated 05.12.2001 and RC.No.11289/MM3/2001 dated 18.10.2002 respectively. Owing to the exhaustion of mining deposit, he had suspended the mining operations since July 2011 and informed about the abatement of mining operation to the first respondent as also the District Collector through e-mail. Even though lease was granted for 20 years, he could not carry out any further mining operation and has stopped quarrying. Further, the petitioner had produced certificate from VAO, that the aforementioned S.Nos.363/A2, 364 & 431/2 are now used solely for agricultural use. As the petitioner could not utilise the land for which lease was granted, he seeks to declare the lease as lapsed by submitting a representation on 20.12.2019 to the first respondent. However, the petitioner's representation is kept pending without any consideration. Therefore, the petitioner has filed these Writ Petitions.

3. Heard both sides. Considering the limited relief sought in this writ petition, this court, without going into the merits of the case, directs the second respondent to consider the petitioner's representation dated 20.12.2019 and pass appropriate orders, on merits and in accordance with law, after affording reasonable opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

4. These Writ Petitions are disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar



DHK/RSH

To

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1. The Commissioner of Geology and Mining
Guindy, Chennai - 600032
2. The District Collector,
Collectorate Building,
Tiruppur District.

+1 cc to Mr.Krishnan, Advocate SR.No.45767

+1 cc to Government Pleader SR.No.46152

W.P. Nos. 9996 & 9997 of 2021
09.09.2021

MG (CO)
TE (28/09/2021)