

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.01.2021
CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.12970 of 2020

V.Dhanraj

...

Petitioner

Vs

1. The Secretary to Government of Tamil Nadu,
Industries Department,
Fort St.George, Chennai 600 009.
2. The District Collector,
Krishnagiri.
3. The District of Geology and Mining,
Industrial Estate, Guindy,
Chennai - 600 032.
4. Deputy Director,
Geology and Mining,
Krishnagiri

...

Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents particularly the Secretary to Government, Industries Department, Fort St.George, Chennai and the District Collector, Krishnagiri the first and second respondents herein to consider the application of the petitioner dated 09.10.2009 submitted under the Rule 8C and 19A of the Tamil Nadu Minor Minerals Concession Rules, 1959 in Appendix VII for the grant of quarrying lease (multi-colour granite) in respect of the petitioner patta land in S.F.No.398/1 to an extent of 1.71.0 hectares in Karandapalli Village, Dhenkanikottai Taluk, Krishnagiri District by passing appropriate Government Orders under Rule 19A of the Tamilnadu Minor Minerals Concession Rules, 1959 and consequently directing the second respondent to execute the agreement for quarrying and carrying away minor minerals in the permitted quarry area in favour of the petitioner.

For petitioner
For respondents

... Mr.K.Balakrishnan
... Mr.Akil Akbar Ali
Govt.Advocate

ORDER

This writ petition has been filed for a mandamus seeking for a direction to the respondents to consider the petitioner's application dated 09.10.2009 submitted under the Rule 8C and 19A of the Tamil Nadu Minor Minerals Concession Rules, 1959 for the grant of quarrying lease (multi-colour granite) in respect of the petitioner's patta land in S.F.No.398/1 measuring to an extent of 1.71.0 hectares in Karandapalli Village, Dhenkanikottai Taluk, Krishnagiri District by passing appropriate Government Orders under Rule 19A of the Tamil Nadu Minor Minerals Concession Rules, 1959 and consequently direct the second respondent to execute the agreement for quarrying and carrying away minor minerals in the permitted quarry area in favour of the petitioner and pass final orders within a time frame to be fixed by this Court.

2. It is the case of the petitioner that he submitted an application under Rule 8C and 19A of the Tamil Nadu Minor Minerals Concession Rules, 1959 in the month of October 2009. It is also the case of the petitioner that the fourth respondent has recommended his case for the grant of quarrying lease in his favour to the first respondent. According to the petitioner, despite the recommendation made by the fourth respondent, the first respondent has not passed final orders granting quarrying lease to the petitioner on his application dated 09.10.2009. In such circumstances, this Writ Petition has been filed.

3. The relief sought for in this writ petition is an innocuous one. The petitioner has applied for quarrying lease in respect of his land in S.F.No.398/1 in Karandapalli Village, Dhenkanikottai Taluk, Krishnagiri District with the respondents. It is the case of the petitioner that the fourth respondent has also recommended the case of the petitioner for grant of quarrying lease to the first respondent on 23.12.2014. It is also the case of the petitioner that the technical report has also been submitted by the fourth respondent favouring the petitioner for grant of quarrying lease in his favour. Admittedly, the application dated 09.10.2009 submitted by the petitioner seeking for quarry lease in his favour has not been considered till date.

4. Heard Mr.K.Balakrishnan, learned counsel for the petitioner and Mr.Akil Akbar Ali, learned Government Advocate for the respondents.

5. No prejudice will be caused to the respondents, if the petitioner's application dated 09.10.2009 seeking for quarry lease in his property is considered on merits and in accordance with law after hearing all the necessary parties.

6. For the foregoing reasons, this Court directs the respondents 1 and 3 to consider the petitioner's application dated 09.10.2009 seeking for quarry lease in his patta land in S.F.No.398/1 in Karandapalli Village, Dhenkanikottai Taluk, Krishnagiri District and pass final orders on merits and in accordance with law, after hearing all the necessary parties including the petitioner, within a period of 12 weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar (CS III)

/true copy/

Sub Asst. Registrar

srn
To

1. The Secretary to Government of Tamil Nadu,
Industries Department,
Fort St.George, Chennai 600 009.
2. The District Collector,
Krishnagiri.
3. The District of Geology and Mining,
Industrial Estate, Guindy,
Chennai - 600 032.
4. Deputy Director,
Geology and Mining,
Krishnagiri

+1 cc to the Government Pleader sr4588

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