



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 17878 of 2021

S. Jegadeesan

.. Petitioner

Versus

1. The Commissioner of Geology & Mining
Thiru.Vi.Ka.Industrial Estate
Guindy, Chennai - 600 032.

2. The District Collector,
Tiruppur, Tiruppur District.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the first respondent to dispose the petitioner's statutory appeal filed on 31.03.2021 against the order of the District Collector made in Na.Ka.No.79/2020/Mines dated 09.03.2021 within the time stipulated by this Court.

For Petitioner : Mr. M. Muthappan

For Respondents : Mr. Stalin Abhimanyu
Government Counsel

O R D E R

The relief sought for in this writ petition is to direct the first respondent to dispose the petitioner's statutory appeal dated 31.03.2021 filed against the order dated 09.03.2021 passed by the District Collector.

2. According to the petitioner, he is the owner of the land comprised in S.F.No.89/1 and 89/2B1 of Agrahara Periyapalayam Village, Uthukuli Taluk, Tiruppur District over an extent of 2.08.5 hectares. On the application of the petitioner, the second respondent granted lease in favour of the petitioner initially for a period of five years on 28.11.2005 which was subsequently renewed for a further period of five years on



24.11.2011 and the same expired on 23.11.2016. The petitioner applied for mining lease to quarry stone in S.F.No.89/1 part over an extent off 1.23.0 hectares in the said Agrahara Periapalayam Village for a further period. On receipt of such application, the second respondent directed the petitioner to obtain Environmental Clearance from the State Level Environment Impact Authority. Accordingly, the petitioner obtained such clearance on 24.10.2016 and submitted it to the second respondent. When the second respondent was about to grant mining lease to the petitioner, one Kannammal and her husband Rangasamy appear to have given a complaint to the second respondent based on which the petitioner was called upon to appear for an enquiry on 30.12.2016. The petitioner participated in the enquiry. Thereafter, finding that there is no substance in the complaint given against the petitioner, on 11.05.2017, the second respondent granted the petitioner quarry lease for a period of five years. While so, based on the order dated 02.01.2020 passed by The National Green Tribunal, a committee constituted by the Government inspected the land of the petitioner on 25.02.2020 and submitted a report to the respondents on 28.10.2020. It appears that based on the inspection report, the second respondent directed the petitioner to appear for an enquiry on 16.02.2021, on which date, the petitioner appeared for an enquiry. Subsequently, the second respondent cancelled the lease granted to the petitioner by an order dated 09.03.2021. Aggrieved by the same, the petitioner filed a statutory appeal on 31.03.2021 to the first respondent and it is pending.

3. Today, when the matter is taken up for hearing, the learned counsel for the petitioner submitted that it would be suffice, if the petitioner's statutory appeal dated 31.03.2021 is directed to be considered by the first respondent, on merits, within a reasonable time to be fixed by this Court.

4. The learned Government Counsel appearing for the respondents has no serious objection for issuing such a direction for disposal of the statutory appeal preferred by the petitioner, on merits.

5. Having regard to the limited relief now sought by the learned counsel for the petitioner, which has not been seriously opposed on the side of the respondents, this Court directs the first respondent to consider the petitioner's statutory appeal dated 31.03.2021 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of personal



hearing to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

av/rsh

To

1. The Commissioner of Geology & Mining,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai - 600 032.

2. The District Collector,
Tiruppur, Tiruppur District.

+1CC to Mr.M.Muthappan, Advocate, Sr.No.42971

+1CC to Government Pleader, Sr.No.43418

WP No. 17878 of 2021

KSM (CO)
K.RK. (27.09.2021)