



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.NOS.2604 TO 2608 AND 2734 TO 2738 OF 2018

AND

W.M.P.NOS.3221 TO 3225, 3378 TO 3382 OF 2018

1. Ramchandra Granite and Construction Pvt. Ltd.,
Represented by its Director Mr.S.Santhosh,
Varaganapalli,
Nagamangalam Village,
Denkanikottai Taluk,
Krishnagiri District.
... Petitioner in
W.P.No.2604 of 2018
1. Mr.S.Santhosh
... Petitioner in
W.P.No.2605 & 2606 of 2018
1. Mr.T.Varadharaj
... Petitioner in
W.P.No.2607 & 2608 of 2018
1. Ramachandra Crushing Company Pvt. Ltd.,
Rep. By its Managing Director
A.Jamal Mohammed
... Petitioner in
W.P.No.2734 & 2735 of 2018
1. M/s.United Quarries Krishnagiri Pvt. Ltd.,
Rep. By its Managing Director
T.Varadharaj
... Petitioner in
W.P.No.2736 & 2737 of 2018
1. Mr.Jeyandra Kumar Bhavan
Bhai Patel
... Petitioner in
W.P.No.2738 of 2018

Versus

The District Collector,
Krishnagiri District,
Krishnagiri.

... Respondent in
W.P.Nos.2604 to 2608 and
2734 to 2738 of 2018



W.P.No.2604 of 2018:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent, to permit the petitioner to quarry and transport the quarried mineral on payment of necessary seigniorage from the lease granted Government stone quarry, measuring 5.00.0 hec., comprised in Survey S.F.Nos.560 and 563 (Part-1) situated in Nagamangalam Village, Denkanikottai Taluk, Krishnagiri District, for a period of five years and four months from the date of expiry of lease period mentioned in the lease agreement i.e., from 02.07.2018 or from the date of permitting the quarry operations.

W.P.No.2605 of 2018:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to permit the petitioner to quarry and transport the quarried mineral on payment of necessary seigniorage from the lease granted Government Stone Quarry, measuring 5.00.0 hec. comprised in Survey S.F.Nos.560 & 563(Part-2) situated in Nagamangalam Village, Denkanikottai Taluk, Krishnagiri District for a period of five years & five months from the date of expiry of lease period mentioned in the lease agreement i.e., from 01.07.2018 or from the date of permitting the quarry operations.

W.P.No.2606 of 2018:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to permit the petitioner to quarry and transport the quarried mineral on payment of necessary seigniorage from the lease granted Government Stone Quarry, measuring 5.00.0 hec. comprised in Survey S.F.Nos.560 & 563 (Part-5) situated in Nagamangalam Village, Denkanikottai Taluk, Krishnagiri District for a period of five years & five months from the date of expiry of lease period mentioned in the lease agreement i.e., from 01.07.2018 or from the date of permitting the quarry operations.

W.P.No.2607 of 2018:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to permit the petitioner to quarry and transport the quarried mineral on payment of necessary seigniorage from the lease granted Government Stone Quarry, measuring 5.00.0 hec. comprised in Survey S.F.Nos.407 (Part-2) situated in Udedurgam Village, Denkanikottai Taluk, Krishnagiri District for a period of five years & five months from the date of expiry of lease



period mentioned in the lease agreement i.e., from 01.07.2018 or from the date of permitting the quarry operations.

W.P.No.2608 of 2018:-

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Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to permit the petitioner to quarry and transport the quarried mineral on payment of necessary seigniorage from the lease granted Government Stone Quarry, measuring 5.00.0 hec. comprised in Survey S.F.No.1066/A situated in Nagamangalam Village, Denkanikottai Taluk, Krishnagiri District for a period of five years & five months from the date of expiry of lease period mentioned in the lease agreement i.e., from 30.06.2018 or from the date of permitting the quarry operations.

W.P.No.2734 of 2018:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to permit the petitioner to quarry and transport the quarried mineral on payment of necessary seigniorage from the lease granted government stone quarry measuring 5.00. 0 hec. comprised in Survey S.F.Nos.560 & 563 (Part-3) situated in Nagamangalam Village, Denkanikottai Taluk, Krishnagiri District for a period of five years and four months from the date of expiry of lease period mentioned in the lease agreement i.e. from 02.07.2018 or from the date of permitting the quarry operations.

W.P.No.2735 of 2018:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to permit the petitioner to quarry and transport the quarried mineral on payment of necessary seigniorage from the lease granted government stone quarry, measuring 5.00. 0 hec. comprised in Survey S.F.Nos.560 & 563 (Part-4) situated in Nagamangalam Village, Denkanikottai Taluk, Krishnagiri District for a period of five years and four months from the date of expiry of lease period mentioned in the lease agreement i.e., from 09.06.2018 or from the date of permitting the quarry operations.

W.P.No.2736 of 2018:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to permit the petitioner to quarry and transport the quarried mineral on payment of necessary seigniorage from the



lease granted government stone quarry, measuring 5.00. 0 hec. comprised in Survey S.F.Nos.560 & 563 (Part-7) situated in Nagamangalam Village, Denkanikottai Taluk, Krishnagiri District for a period of five years and four months from the date of expiry of lease period mentioned in the lease agreement i.e., from 09.06.2018 or from the date of permitting the quarry operations.

W.P.No.2737 of 2018:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to permit the petitioner to quarry and transport the quarried mineral on payment of necessary seigniorage from the lease granted government stone quarry, measuring 5.00. 0 hec. comprised in Survey S.F.Nos.560 & 563 (Part-8) situated in Nagamangalam Village, Denkanikottai Taluk, Krishnagiri District for a period of five years and four months from the date of expiry of lease period mentioned in the lease agreement i.e., from 09.06.2018 or from the date of permitting the quarry operations.

W.P.No.2738 of 2018:-

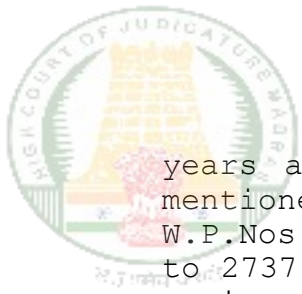
Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to permit the petitioner to quarry and transport the quarried mineral on payment of necessary seigniorage from the lease granted government stone quarry, measuring 5.00. 0 hec. comprised in Survey S.F.No.1249 (Part) situated in Nagamangalam Village, Denkanikottai Taluk, Krishnagiri District for a period of five years and five months from the date of expiry of lease period mentioned in the lease agreement i.e., from 02.07.2018 or from the date of permitting the quarry operations.

For Petitioner : Mr.K.Ramakrishna Reddy
in all W.Ps

For Respondents : Mr.G.Krishnaraja
in all W.Ps Government Advocate

C O M M O N O R D E R

These writ petitions are filed by the petitioners praying to issue a Writ of Mandamus directing the respondents to permit them to quarry and transport the quarried mineral on payment of necessary seigniorage from the Government stone quarry lands situate in Nagamangalam Village, Denkanikottai Taluk, Krishnagiri District, for the non-operated period of (i) five



years and four months from the date of expiry of lease period mentioned in the lease agreements i.e., from 02.07.2018 in W.P.Nos.2604 & 2734 of 2018 and from 09.06.2018 in W.P.Nos.2735 to 2737 of 2018 (ii) five years and five months from the date of expiry of lease period mentioned in the lease agreements i.e., from 30.06.2018 in W.P.No.2608 of 2018, from 01.07.2018 in W.P.Nos.2605 to 2607 of 2018 and 02.07.2018 in W.P.No.2738 of 2018 or from the date of permitting the quarry operations.

2. According to the petitioners, they became successful bidders for carrying stone quarry operations in respect of the Government stone quarry lands situate in Nagamangalam Village, Denkanikottai Taluk, Krishnagiri District. The petitioners also entered into lease agreements with the respondents for a period of ten years. However, during the subsistence of the lease, on 08.08.2012 and 09.08.2012, the respondent issued show cause notice to the petitioners alleging violations of conditions of the lease and suspended the quarry operations. The respondent did not issue transport permits for the materials quarried prior to the date of issuance of show cause notices. In view of the suspension of quarry operations, the petitioners in W.P.Nos.2605 to 2608, 2738 of 2018 have lost five years and five months of lease period and the petitioners in W.P.Nos.2604, 2734 to 2737 of 2018 have lost five years and four months of the lease period from the date of suspension of quarry operations. Earlier, the petitioners have approached this Court by way of filing writ petitions and obtained interim stay of operation of the said show cause notices. Even then, the respondent did not permit the petitioners to carry on quarry operations. Hence, the petitioners have sent letters to the respondent seeking permission to carry on quarry operations. Finding no response, the petitioners are before this Court by way of these writ petitions.

3. The prayer made in these writ petitions has been strongly opposed by the respondent, by filing separate counter affidavits in W.P.Nos.2734 to 2737 of 2018, wherein the respondent has contended as follows:

"It is submitted that due to the violation of lease deed conditions, a criminal case had been filed against the petitioner under Section 379 IPC read with Section 4 of PPD Act and Section (1) and (4) of Mines and Minerals (Development and Regulation) Act, 1957, in FIR.No.165/2012 on 19.08.2012 at Uthanapalli Police Station, Denkanikottai Taluk, Krishnagiri District and the case is pending. After finalization of the criminal case only the respondent shall take decision on the quarry



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lease of the petitioner and then only the operative period and non operative period may arise. Further as per Rule 8(8)(ii) of TNMMCR 1959, the lease expired on the date specified in the lease deed and in no case extension of the lease shall be made. In the lease deed executed with the petitioner the District Collector Krishnagiri on 09.06.2008 in Covenant No.6(18) clearly mentioned that on any account neither the lease period can be extended nor renewed for a further period. The petitioner accepts the above condition and signed the lease deed."

4. Heard the learned counsel for the petitioners as well as the learned Government Advocate for the respondent and perused the materials available on record.

5. It is apparent that even though the petitioners were granted permission to carry on quarrying operation for a period of ten years, during the subsistence of the lease period, for alleged violation of the conditions of the lease, the petitioners were restrained from carrying out the quarrying operation for the remaining period. It is also evident that for such violation namely excess mining of the land other than the leased land, the respondent also launched criminal prosecution against the petitioners and the criminal case is pending against the petitioners. Under such circumstances, a Mandamus as prayed for by the petitioners cannot be granted by this Court. In any event, already show cause notices have been issued to the petitioners for which they are yet to respond. Having regard to the submissions made by the learned counsel on either side, this Court direct the petitioners, who were served with show cause notices, to submit their objections, within a period of three weeks from the date of receipt of a copy of this order. On receipt of the same, the respondent shall pass orders on merits and in accordance with law, within a further period of four weeks thereafter.

6. Accordingly, these writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

kj/rsh



To

The District Collector,
Krishnagiri District,
Krishnagiri.

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+1cc to the Government Pleader, S.R.No.32612

W.P.NOS.2604 TO 2608/2018 AND
W.P.NOS.2734 TO 2738/2018

NR (CO)
PBS/02/09/2021