



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.23456 of 2021
and WMP.No.24709 of 2021

P. Selladurai

... Petitioner

Vs

1. The Department of Geology and Mining
Rep. by its Director,
Industrial Estate, Guindy,
Chennai - 600 032.

2. The District Collector
Namakkal District,
1st Floor, Main building,
Tiruchengode Road,
Namakkal - 637 003.

3.The Assistant Director (Mines)
Department of Geology and Mining,
Namakkal District, Namakkal - 637 003.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the second respondent to consider the lease extension application submitted by the petitioner dated 05.02.2021 in accordance with G.O.(MS) No.208 issued by the Industries (MMC.1) department dated 21.09.2020 and Rule 20 of the Tamil Nadu Minor Minerals Concession Rules, 1959 and grant extension of lease for further period of 5 years from 2021-2026 in Survey Number 5/4B1, 4/3A at Pachudaiampatti Senthamangalam Taluk, Namakkal District.

For Petitioner : Mr. Naveen Kumar Murthi

For Respondents : Mr.Stalin Abhimanyu,
Government Counsel



O R D E R

The petitioner has filed this writ petition praying to issue a Writ of Mandamus directing the second respondent to consider his application dated 05.02.2021 and grant extension of lease for further period of 5 years from 2021 to 2026 in Survey Nos.5/4B1, 4/3A at Pachudaiampatti Senthamangalam Taluk, Namakkal District, in accordance with G.O.(Ms) No.208 Industries (MMC.1) department dated 21.09.2020 and Rule 20 of the Tamil Nadu Minor Minerals Concession Rules, 1959.

2. The petitioner is an existing lessee in respect of rough stone quarry having been granted such lease on 19.08.2016 for a period of five years till 18.08.2021. According to the petitioner, the Director of Geology and Mining, in his proceedings dated 23.06.2020 and 13.08.2020 recommended to the Government that lease in respect of rough stone quarry has to be awarded for a minimum period of ten years as excavating rough stone quarry requires a longer period. It is further stated by the petitioner that the Government, accepting such recommendation made by the Director of Geology and Mining, has issued G.O. (Ms.) No.208 Industries (MMC.1) department dated 21.09.2020 ordering that existing lease in favour of the rough stone quarry can be extended from five years to ten years. By placing reliance on the said Government Order, the petitioner submitted an application for extension of lease on 05.02.2021 much prior to the expiry of the period of lease in his favour. However, so far, the said application for extension has not been considered. Hence, he has filed this writ petition for the aforesaid relief.

3. The learned counsel appearing for the petitioner submitted that by G.O. Ms. No.208 dated 21.09.2020, the Government approved the proposal of the Director of Geology and Mining to extend the rough stone quarry lease from five years to ten years. However, the lease granted in favour of the petitioner has not been extended for another five years. Therefore, the learned counsel prayed for appropriate direction to the respondent authorities in this regard.

4. On the other hand, the learned Government counsel appearing for the respondents fairly submitted that the respondent authorities would consider the application of the petitioner and pass appropriate orders, on merits, within a time frame to be stipulated by this court.

5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned



counsel on either side, this Court directs the respondent authorities to consider the application of the petitioner dated 05.02.2021 and pass appropriate orders, on merits and in accordance with law and also in the light of G.O.(Ms).No.208 Industries (MMC.1) department dated 21.09.2020, after affording due opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IX)

// True Copy //

Sub Assistant Registrar

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To

1. The Director, Department of Geology and Mining
Industrial Estate, Guindy,
Chennai - 600 032.
2. The District Collector
Namakkal District, 1st Floor, Main building,
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Namakkal - 637 003.
3. The Assistant Director (Mines)
Department of Geology and Mining,
Namakkal District, Namakkal - 637 003.

+2cc to Mr.Naveen Kumar Murthi, Advocate SR.No.56493
+1cc to the Government Pleader, SR.No.56646

W.P.No.23456 of 2021

GPL(CO)
CB(01/12/2021)