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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.27045 of 2021

A.Palanisamy

... Petitioner

vs.

1. The District Collector,  
Coimbatore District,  
Coimbatore.

2. The Assistant Director of Geology & Mining,  
Office of the District Collector,  
Coimbatore.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, seeking a direction to the Respondents to consider the Petitioner's Application dated 12.10.2020 and grant gravel/rough stone quarry lease to the Petitioner in Patta land comprised in Survey Field Number 116/2B1B over an extent of 1.15.5 Hectares and Survey No.116/3A2 over an extent of 0.56.0 Hectares, in total 1.71.5 Hectares in Nachipalayam Village, Madhukarai Taluk, Coimbatore District.

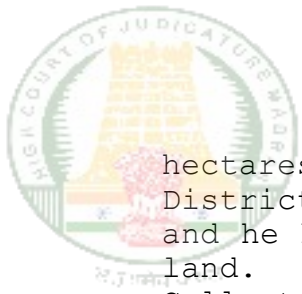
For Petitioner : Mr.M.Muthappan

For Respondents : Mr.B.Vijay,  
Additional Government Pleader

ORDER

Petitioner has come up with the present Writ Petition seeking a direction to the Respondents to consider his Application dated 12.10.2020 and grant gravel/rough stone quarry lease to him in Patta land comprised in Survey Field Number 116/2B1B over an extent of 1.15.5 Hectares and Survey No.116/3A2 over an extent of 0.56.0 Hectares, in total 1.71.5 Hectares in Nachipalayam Village, Madhukarai Taluk, Coimbatore District.

2. According to the Petitioner, he is the owner of the land comprised in S.F.No.116/2B1B over an extent of 1.15.5



hectares in Nachipalayam Village, Madhukarai Taluk, Coimbatore District. He applied for mining lease for the abovesaid land and he has been continuously quarrying gravel/stone in the patta land. As per the proceedings dated 03.03.2016, the District Collector, Coimbatore granted stone quarry lease for a period of five years, which expired on 02.03.2021. In the meantime, the Petitioner applied for fresh mining lease for the abovesaid land for a further period of five years and for the adjacent land comprised in Survey No.116/3A2 over an extent of 0.56.0 Hectares in Nachipalayam Village, Madhukarai Taluk, Coimbatore District for a period of five years, vide his Application dated 12.10.2020. Pursuant to the Petitioner's Application, the District Collector directed the Revenue Officials to furnish the report for the said area. Thereafter, the Tahsildar sent a Report on 02.02.2021 stating that, there is no impediment to grant mining lease to the Petitioner and the Revenue Divisional Officer, Coimbatore South gave a Report in favour of the Petitioner vide proceedings dated 13.08.2021. However, as the Respondents have not issued any further proceedings for grant of mining lease in his favour, the Petitioner is before this Court.

3. Learned counsel for the Petitioner submitted that, a direction may be issued to the Respondents to consider the Petitioner's Application dated 12.10.2020 in accordance with law, within a stipulated time.

4. Learned Additional Government Pleader appearing for the Respondents submitted that, the Petitioner's Application dated 12.10.2020 will be considered in the manner known to law.

5. Considering the facts and circumstances of the case and without going into its merits, this Court directs the Respondents herein to consider the Petitioner's Application dated 12.10.2020 in accordance with law and pass appropriate orders, after giving an opportunity of hearing to the Petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

(aeb)



To:

1. The District Collector,  
Coimbatore District,  
Coimbatore.

2. The Assistant Director of Geology & Mining,  
Office of the District Collector,  
Coimbatore.

+1cc to Mr.M.Muthappan, Advocate, S.R.No.68152

+1cc to the Government Pleader, S.R.No.69033

W.P.No.27045 of 2021

RK(CO)  
SB(03/01/2022)