



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2021

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P (MD)No.8264 of 2021

R.Sankar

... Petitioner

Vs.

- 1.The State of Tamilnadu,
Rep.by its Secretary,
Department of Geology and Mining,
Secretariat, St George Fort,
Chennai.
- 2.The Commissioner of Geology & Mining,
Industrial Estate, Guindy,
Chennai - 600 032.
- 3.The District Collector,
Kanyakumari District,
Kanyakumari.
- 4.The Assistant Director,
Department of Geology and Mining,
Collectorate,
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to permit the petitioner to conduct stone quarrying operation in petitioner's patta land in S.F.No.210/10, 211(p) over an extent of 3.45 Ha in Mullankanavillai Village in Killiyoor Taluk, Kanyakumari District for a period of 6 months (non-operative period) due to Covid-19 pandemic situation for which the petitioner was not permitted to quarry during the lease period accorded vide the proceedings of the respondent in bearing R.C.No.345/G & M/2015, dated 31.05.2016 and consequently direct the 2nd respondent to issue transport permit to the petitioner for the said period.

For Petitioner : Mr.Isaac Mohanlal
Sr.Counsel
For K.Samidurai

For Respondents : Ms.J.Padmavathi Devi
Spl.Govt.Pleader



ORDER

This Writ Petition has been filed praying for issuance of a Writ of Mandamus, directing the respondents to permit the petitioner to conduct stone quarrying operation in petitioner's patta land in S.F.No.210/10, 211(p) over an extent of 3.45 Ha in Mullankanavillai Village in Killiyoor Taluk, Kanyakumari District for a period of 6 months (non-operative period) due to Covid-19 pandemic situation for which the petitioner was not permitted to quarry during the lease period accorded vide the proceedings of the respondent in bearing R.C.No.345/G & M/2015, dated 31.05.2015 and consequently direct the 2nd respondent to issue transport permit to the petitioner for the said period.

2. Mr.Isaac Mohanlal, the learned Senior Counsel appearing for the petitioner would submit that the petitioner is having a patta land in S.F.No.210/10, 211(p) over an extent of 3.45 Ha in Mullankanavillai Village in Killiyoor Taluk, Kanyakumari District. Petitioner was given lease of rough stone / jelly quarry in his said patta land, by proceedings bearing R.C.No.345/G & M/2015, dated 31.05.2016, for a period of 5 years, as per Rules 19 & 20 of Tamil Nadu Minor Mineral Concession Rules 1959. On the basis of the said proceedings of the 1st respondent, an agreement for quarrying was executed by the Government to the petitioner, on 31.05.2016 and it expires on 30.05.2021.

3. It was further submitted that during the Covid-19 Lock-down phases last year, the National Disaster Management Authority (NMDA) has issued an order No.1-29/2020-PP(Pt-II), dated 24.03.2020, directing the State and Union Ministries to take effective measures to prevent the spread of Covid-19. Pursuant to which, Government of Tamil Nadu had issued G.O.Ms.No.172, Disaster Management Wing, dated 25.03.2020, by closing all the establishments in Tamil Nadu with few exceptions. Even though stop memo was issued for 45 days by the Government, the petitioner could not conduct quarry operation for 6 months, since the industries were not allowed to continue their operation.

4.According to the petitioner, though he was given 5 years lease from the year 2016 to 2021, he could not operate the quarry for nearly 6 months, due to Covid-19 Pandemic situation. Therefore, the petitioner sought extension of lease period through representation dated 29.11.2020, subsequently, a remainder on 12.04.2021, to respondents 3 and 4. Since the said representation has not been considered, the petitioner is before this court for the aforesaid relief.

5. This Court heard the submission of Ms.J.Padmavathi, learned Special Government Pleader appearing for the respondents also.



6. Considering the facts and circumstances of the case and also taking note of the submissions made by the learned counsels appearing on either side, this Court directs the respondents to consider the representation of the petitioner, dated 29.11.2020 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MPK

Note:(i) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The State of Tamilnadu,
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- 2.The Commissioner of Geology & Mining,
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- 3.The District Collector,
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- 4.The Assistant Director,
Department of Geology and Mining,
Collectorate,
Kanyakumari District.

+1 CC to M/s.K.SAMIDURAI, Advocate (SR-17015[F] dated 22/04/2021)

+1 CC to M/s.SPL GP (SR-17167[F] dated 22/04/2021)

W.P(MD)No.8264 of 2021

21.04.2021

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