



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :18.06.2021

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.8883 of 2021

V.M.Sundaraiah

Rep. By his Power of Attorney

S.Sundaramahalingam

... Petitioner

Vs.

1.The District Collector,
Tenkasi District,
Tenkasi.

2.The Assistant Director of Geology and Mining,
Department of Geology and Mining,
Tenkasi District,
Tenkasi.

... 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 consider the representation of the petitioner dated 08.03.2021.

For Petitioner	: Mr.V.Sanjeevi
For Respondents	: Mr.P.Thillak Kumar, Standing Counsel

ORDER

This writ petition has been filed by the petitioner seeking for issuance of a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 08.03.2021.

2. The brief facts of the case are as follows:

(i) Based on the notification issued by the District Collector, Tirunelveli District for granting leasing right to quarry stones in the Government Poramboke land bearing R.S.No.91(Part-a) admeasuring 3.00.0 Hectares in Ariyanayagipuram Village, formerly Sankarankovil Taluk and Tirunelveli District and now Kadayanallur Taluk and Tenkasi District, for a period of five years, the petitioner participated in the public auction and he was granted the lease for a period of five years from 12.07.1999 to 11.07.2004. While the matter stood thus, the petitioner executed a power of attorney in favour of one V.M.Sundaraiah on 02.04.2004 authorising him to carry on the quarry operation. While the matter stood thus Rule 8(8) of the Tamil Nadu Minor Mineral Concession Rules, 1959 has been amended to the effect that the period of lease for quarrying stones in respect of the virgin area which have not been subjected to



quarrying so far, shall be 10 years.

(ii) According to the petitioner, the above said land is not at all put into quarrying operation prior to the lease granted to the petitioner. Therefore, the above said amendment issued by the State of Tamil Nadu will apply to the petitioner's case as the amendment is issued during the currency of the lease.

(iii) It is further stated by the petitioner that in similar circumstances, one Mr.Arunachalam filed W.P(MD)Nos.2511 and 2512 of 2004 before this Court, seeking direction to permit him to carry on stone quarry operations, for a further period of five years pursuant to the amended Rule 8(8) of the Tamil Nadu Minor Mineral Concessions Rules, 1959 and the said writ petitions were allowed vide order dated 17.06.2009 and the writ appeals filed by the Government were also rejected by the Division Bench of this Court.

(iv) The petitioner's case is also similar to that of the case of Arunachalam. Hence, the petitioner made a representation to the respondents on 08.03.2021 requesting to grant extension of lease period and the said representation is said to be still pending. Hence, this writ petition.

3. The learned counsel for the petitioner would state that the land is still available and therefore, it would suffice if a direction is given to dispose of the representation of the petitioner.

4. The learned standing counsel for the respondents would state that the representation of the petitioner would be considered within a reasonable time.

5. Considering the submissions of the learned counsel for the petitioner as well as the respondents and in the light of the facts and circumstances of the case, the respondents are directed to consider the representation of the petitioner dated 08.03.2021, on merits and in accordance with law and pass appropriate orders within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, the writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note: 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.

WEB COPY

To:

- 1.The District Collector,
Tenkasi District,
Tenkasi.
- 2.The Assistant Director of Geology and Mining,
Department of Geology and Mining,
Tenkasi District,
Tenkasi.

+1 CC to M/s.V.SANJEEVI, Advocate (SR-19589[F] dated 18/06/2021)

W.P (MD) No.8883 of 2021
18.06.2021

KB(25.06.2021) 3P 4C