



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2021

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.14888 of 2021

G.Nedumaran

... Petitioner

-Vs-

1.The District Collector,
Office of District Collector,
Thanjavur District.

2.The Assistant Director,
Mines and Minerals,
Office of District Collector,
Thanjavur District.

... Respondents

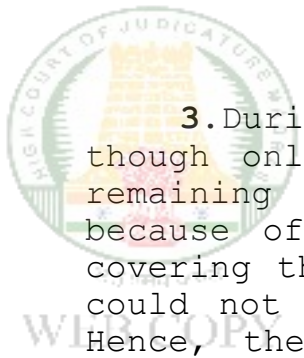
Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to extend the lease for further period of 3 months from 21.08.2021 onwards for taking soil and supply to railway track work so as to enable petitioner to complete the work allotted to him by the railway department in the earlier lease granted to the petitioner in NA.KA.No.181 Kanimam/2021 dated on 22.06.2021 by the respondent, which will expire on 20.08.2021 within a stipulated time fixed by this Court.

For Petitioner : Mr.A.Senthilkumar
For Respondents : Mr.D.Ghandiraj
Government Advocate

ORDER

The prayer sought for herein is the Writ of Mandamus, directing the respondents to extend the lease for further period of 3 months from 21.08.2021 onwards for taking soil and supply to railway track work so as to enable the petitioner to complete the work allotted to him by the railway department in the earlier lease granted to the petitioner in NA.KA.No.181 Kanimam/2021 dated on 22.06.2021 by the respondent, which will expire on 20.08.2021 within a stipulated time fixed by this Court.

2.The petitioner claims that he is a railway contractor and work has been awarded to him to fill earth in respect of some railway project and for the said purpose, the petitioner, in order to quarry the earth from his patta land at survey no.214/2, 214/3 to the extent of 1.07.5 hectares at Nathamangalam Village, Poothaloor Taluk, Tanjore District, made an application to get quarry permit, which was considered and granted by the respondents on 22.06.2021, under which, 60 days time was given for the petitioner to quarry the earth to the extent of 2,333 units. The said 60 days period is from 22.06.2021 to 20.08.2021.



3. During this period, it is the case of the petitioner that though only limited units of earth alone could be quarried, the remaining considerable quantity of earth could not be quarried, because of the second wave of Covid-19 situation, as the period covering the 60 days had been in the lock-down and therefore there could not have been any vehicle movement during the said period. Hence, the petitioner was not able to organise quarry operation during the said period of 60 days. In the result, the petitioner was not able to quarry the required earth from the quarry site to complete his task of the railway contract, which was awarded to him. Therefore, in order to extend further period of 60 days or 90 days, as per the requirement, the petitioner made a representation on 13.08.2021 to the respondents, for which, the petitioner is ready and willing to make any payment as per the schedule provided under the Tamil Nadu Mines and Mineral Concession Rules, 1959, as per the latest amendment. However, since the said request having been not considered and it has been kept pending by the respondent District Collector, who is the authority to consider, the petitioner has approached this Court by filing the present writ petition.

4. Heard Mr.A.Senthilkumar, learned counsel appearing for the petitioner, who having reiterated the aforesaid facts seeks indulgence of this Court by way of mandamus.

5. Heard, Mr.D.Ghandiraj, learned Government Advocate appearing for the respondents, who by relying upon Rule 36(5)(f) of the Tamil Nadu Mines and Mineral Concession Rules, 1959, would contend that once the lease period is over, no one is entitled or permitted to quarry and therefore, the petitioner cannot, as a matter of right, seeks to extend the lease beyond the lease period, which was over as early as on 20.08.2021. However, in this regard, if the petitioner has made a request on 13.08.2021 as claimed by him, the respondent would consider the same and decide on merits and in accordance with law within the timeframe, that may be stipulated by this Court.

6. I have considered the said submissions made by the learned counsels appearing for both parties and have perused the materials placed before this Court.

7. In view of the aforesaid, where the petitioner has made a request on 13.08.2021 to extend the lease period for a further period of 60 days or 90 days as per the requirement to complete his quarry operation to take necessary earth from quarry site for his railway project work, the same can be considered by the first respondent, on merits and in accordance with law and decide it accordingly, within a period of 30 days from the date of receipt of a copy of this order.

8. It is made clear that the petitioner, while forwarding the copy of this order to the respondents, shall annex his
<https://hcservices.ecourts.gov.in/hcservices/>



representation dated 13.08.2021 to the first respondent for his needful action as indicated above.

9. With these directions, this Writ Petition is disposed of. There shall be no order as to costs.

WEB COPY

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PNM/SM

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.

To

1. The District Collector,
Office of District Collector,
Thanjavur District.
2. The Assistant Director,
Mines and Minerals,
Office of District Collector,
Thanjavur District.

+1 CC to M/s.SPL. GP (SR-29784[F] dated 21/09/2021)

Order made in
W.P. (MD) No.14888 of 2021

Dated:
20.09.2021

GC (24.09.2021) 3P 4C