



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.19864 of 2020

and

W.M.P. (MD)Nos.16546 to 16548 of 2020

WEB COPY

M.R.Thangavel

... Petitioner

-Vs-

- 1.The Director,
Department of Geology and Mines,
Guindy, Chennai.
- 2.The District Collector,
Office of the District Collectorate,
Theni District.
- 3.The Assistant Director,
Department of Mines and Geology,
Theni District.
- 4.The Revenue Divisional Officer,
Periyakulam,
Theni District.

... Respondents

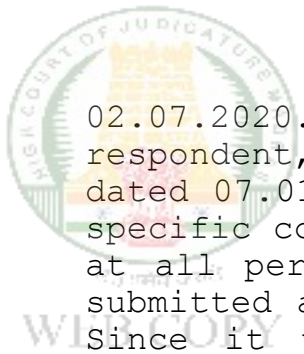
Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to direct the respondent pertaining to the impugned order of the second respondent in Na.Ka.No.305/Mines/2020, dated 30.07.2020 and quash the same and consequently, directing the respondents to extend the lease of the petitioner for non-operation period from 05.12.2018 and issue necessary transport permits as per the lease hold rights of the petitioner by proceedings of the second respondent in Na.Ka.No.163/Mines/2014.

For Petitioner	: M.Ramsundarvijayraj
	for M/s.Veera Associates
For Respondent	: Mr.G.Arjunan
	Government Advocate

ORDER

Heard the learned counsel on either side.

2.The petitioner was granted lease to quarry the petition mentioned survey numbers vide lease agreement dated 03.07.2017 executed between the petitioner and the District Collector, Theni. The lease period was effective for three years. It expired on



02.07.2020. The case of the petitioner is that the fourth respondent, without even hearing the petitioner, passed the order dated 07.01.2018 recalling the transport permit issued to him. His specific contention is that since 07.12.2018, the petitioner was not at all permitted to operate the quarry. The petitioner therefore submitted a representation seeking extension of the license period. Since it was not considered, he filed W.P.(MD)No.7095 of 2020. This Court vide order dated 30.06.2020 directed the District Collector, Theni, to pass orders on the petitioner's representation. Pursuant to the said direction, the impugned order dated 30.07.2020 came to be passed rejecting the petitioner's request. The same is under challenge in this writ petition.

3. The petitioner had suffered an adverse order dated 07.12.2018. It appears that illegal quarrying was carried on in the vicinity. The petitioner's specific case is that even though he was not responsible, the consequence of the illegal quarrying in the vicinity was also visited on him even without hearing him. But unfortunately till date, the petitioner has not challenged the order dated 07.12.2018. When the order dated 07.12.2018 is still holding good, the petitioner may not have a case for extension of the lease period. That apart, the petitioner does not appear to have moved his little finger from 07.12.2018 till 04.06.2020. Admittedly the petitioner could not carry on with his quarrying operations for about 1 ½ years. If that be so, he could have definitely filed a writ petition or moved the authorities for enforcing his rights under lease. He has not done so. Having kept quiet, the petitioner is not justified in now seeking extension of lease. The District Collector is right in rejecting the petitioner's request for extension of lease.

4.I therefore sustain the order impugned in the writ petition. The Writ Petition is dismissed. However, I note that the order dated 07.12.2018 was passed without hearing the petitioner herein. Therefore, the petitioner is given liberty to challenge the said order, if he is so advised. No costs. Consequently, connected miscellaneous petition are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmi

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

<https://hcdirects.com.sg/infocenter> the order that is presented is the



correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Director,
Department of Geology and Mines,
Guindy, Chennai.
- 2.The District Collector,
Office of the District Collectorate,
Theni District.
- 3.The Assistant Director,
Department of Mines and Geology,
Theni District.
- 4.The Revenue Divisional Officer,
Periyakulam,
Theni District.

+1 CC to M/s.SPL GP (SR-6182[F] dated 19/02/2021)

W.P. (MD) No.19864 of 2020
18/02/2021

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ARK (CO)
KK(02.03.2021) 3P 6C