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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No. 22381 of 2014

And

M.P.No. 1 of 2014

Palani @ U.R.Palanisamy

... Petitioner

Vs.

1.The District Collector
Erode District.

2.The Assistant Director of Mines
Erode District.

3.The Revenue Divisional Officer
Gobichettipalayam
Erode District.

4.The Thasildar
Sathyamangalam
Erode District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 & 2 to issue license to the petitioner for quarry operations in the petitioner's land in R.S.No. 300/2 of Thoppampalayam Vilalge, Erode District by considering the petitioner's application dated 11.04.2012 within the time fixed by this Hon'ble Court and consequently forbear the respondents 1, 3 and 4 from issuing any patta to third parties to the land in R.S.No. 299/2, 296/2, 302/1 and 306/1 of Thoppampalayam Village, Sathyamangalam Taluk, Erode District.

For Petitioner : Mr. M.Karthik
for Mr.C.Vasudevan

For Respondents : Mr. K.M.D.Muhilan
Government Advocate

O R D E R

The relief sought for in this Writ Petition is to direct the respondents 1 & 2 to issue license to the petitioner for quarry operations in the petitioner's land in R.S.No. 300/2 of Thoppampalayam Vilalge, Erode District by considering the



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petitioner's application dated 11.04.2012 within the time fixed by this Hon'ble Court and consequently forbear the respondents 1, 3 and 4 from issuing any patta to third parties to the land in R.S.No. 299/2, 296/2, 302/1 and 306/1 of Thoppampalayam Village, Sathyamangalam Taluk, Erode District.

2. The learned Government Advocate appearing for the respondents made a submission that the temporary license granted for 30 days in favour of the petitioner in the year 2002 for minor operations for personal use and not for commercial purpose. However, subsequently, the adjust poramboke lands were allotted in favour of poor people for construction of houses and it became the residential area and some more residential premises are also there.

3. Rule 36(1)(A)(a) of the Tamilnadu Minor Mineral Concession Rules contemplates that no lease shall be granted for quarrying stone within 50 mts from any inhabited site.

4. In this regard, paragraph Nos. 6 & 9 of the counter affidavit filed by the respondents are as follows:-

"6. The averment made in para 4 of the affidavit, it is submitted that the petitioner himself has stated that 4th respondent Tahsildar, Sathyamangalam had issued patta in favour of 160 persons with regard to Poramboke land in S.F.No. 299/2 and 296/2 which is adjacent to the petitioner land. The Government authority has every right to safeguard and protect the large number of poor families. The petitioner was granted permission for quarrying rough stone only for a period of one month on three occasions under rule 17 of Tamil Nadu Minor Mineral Concession Rules, 1959, for domestic agricultural purpose and not for large scale/ commercial purpose for a long period under the provision of rule 19(1) of Tamil Nadu Minor Mineral Concession Rules, 1959. The S.F.Nos. 299/2 and 296/2 was already issued house site pattas for 160 persons. Hence grant or cancel of pattas are lying with the powers of the revenue authorities. In order to obtain the quarry lease in S.f.No. 300/2 for commercial purposes, the petitioner has raised objections. Since the S.F.No.299/6, 296/2 are suitable for house site the revenue authorities have identified the above poramboke land and issued patta for house site. At the time of issue of patta no lease



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was existing in S.F.No. 299/6, 296/2, 301/2 and 300/2. Since the allottee have not occupy the house site assigned to them, the revenue authorities have cancelled the patta. The Sathyamangalam Tahsildar, in his Letter R.C.No. 11227/2011/A4 dated 2.7.2011 has stated that the S.F.No. 301/2 over an extent of 1.12.0 hect of Government Poramboke land has been subdivided as 301/6 and given patta for Thiru.R.Palanisamy, S/o. Thangasamy under Kalainger Veedu Valangum Scheme and they are residing in the above area.

9. The averments made in para 7 of the affidavit, I humbly submitted that, the petitioner has no right to interfere with the duties and responsibilities of the 1, 3 and 4 respondents in preparing house site pattas to the poor house less families in the lands in S.f.No. 299/2, 296/2, 301/2 and 306/1. The Government have taken several steps to provide House site Patta to the poor families. Therefore the petitioner for only sake of getting License for quarrying for business motive and interfere the bonafide Government schemes to implement in the above fields. "

5. This apart, the petitioner submitted an application in the year 2012 and already 10 years lapsed, this being the factum, the relief as sought for cannot be granted. Hence, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsg

To

1.The District Collector
Erode District.



2.The Assistant Director of Mines
Erode District.

3.The Revenue Divisional Officer
Gobichettipalayam
Erode District.

4.The Thasildar
Sathyamangalam
Erode District.

+1cc to Government Pleader SR. No.4308

W.P.No. 22381 of 2014
And
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CP (CO)
PR (08/02/2022)