



WEB COPY



W.P.No.23303 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.23303 of 2021

A.Arunagiri

... Petitioner

Vs

1. The District Collector,
Vellore District, Vellore.

2. The Assistant Director of Geology and Mining,
O/o District Collectorate,
Vellore District-9.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the respondents to refund the said proportionate lease amount of Rs.34,43,748/-(Rupees thirty four lakhs forty three thousand seven hundred forty eight only) and the EMD amount of Rs.3,62,500/-(Rupees three lakhs sixty two thousand five hundred only) together with interest @ 24% p.a from the date of payment till the date of refunding of the said amounts by considering the representation of the petitioner dated 28.09.2021.

For Petitioner : Mr.K.Ramakrishna Reddy

For Respondents : Mr.B.Vijay
AGP



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ORDER

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This writ petition has been filed for a Mandamus seeking for a direction to the respondents to refund the proportionate lease amount of Rs.34,43,748/-(Rupees thirty four lakhs forty three thousand seven hundred forty eight only) and the EMD amount of Rs.3,62,500/-(Rupees three lakhs sixty two thousand five hundred only) together with interest @ 24% p.a from the date of payment till the date of refunding of the said amounts by considering the representation of the petitioner dated 28.09.2021.

2. The petitioner claims that he was granted quarry lease for a period of ten years. However, according to him, due to obstructions caused by the villagers, the petitioner could not utilise the quarry lease for a period of 9 years and 6 months. The petitioner also claims that he has paid the entire lease bid amount in advance to the respondents. According to the petitioner, since he was able to operate quarry lease only for a period of six months, after adjustment of the lease amount for the said period, the respondents will have to refund a sum of Rs.34,43,748/-Rupees thirty four lakhs forty three thousand seven hundred forty eight only) being the proportionate lease amount for the non-operative period. The petitioner has sought for refund of EMD paid by him amounting to Rs.3,62,500/-(Rupees three lakhs sixty two thousand five hundred only). He



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has also sought for interest at 24% per annum. The petitioner has given a representation on 28.09.2021 to the respondents seeking for refund of the aforementioned amount. Since his representation has not been considered till date, the petitioner has filed the present writ petition.

3. A Counter affidavit has been filed by the first respondent denying the allegations of the petitioner. They would submit that for the fault of the petitioner, the respondents cannot be made liable to compensate the petitioner. According to the respondents, the contention of the petitioner that he was obstructed by the villagers from doing quarry work is false. According to the respondents, a complaint was given by Mr..N.Ramesh Rao, a resident of that area only in the year 2015 to the respondents requesting the respondents to cancel the quarry lease granted in favour of the petitioner. Therefore, according to the respondents, the allegations made by the petitioner that he was able to operate the quarry lease only for a period of six months is totally false. It is also stated in the counter that the proceedings initiated by Mr.N.Ramesh Rao for cancellation of lease in favour of the petitioner was also dismissed by the District Collector, Vellore in his proceedings Rc.No.514/2015(Mines) dated 23.11.2015 and the appeal preferred by him was also dismissed by the Commissioner of Geology and Mining, Chennai in his proceedings in



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Rc.No.10276/MM9/2015 dated 05.05.2017. According to the respondents, there was no hindrance for the petitioner to do the quarry work in his property.

4. Heard Mr.K.Ramakrishna Reddy, learned counsel for the petitioner and Mr.B.Vijay, learned Additional Government Pleader for the respondents.

5. Learned counsel for the petitioner has reiterated the contentions raised in the affidavit filed in support of the writ petition and Mr.B.Vijay, learned Additional Government Pleader reiterates the contents of the counter affidavit filed by the first respondent.

6. The petitioner claims that he was able to operate the quarry lease only for a period of six months, which is disputed by the respondents, as seen from the counter affidavit. No prejudice would be caused to the respondents if the petitioner's representation dated 28.09.2021 seeking for refund for the alleged non-operative period of the quarry lease is considered on merits and in accordance with law after affording a fair hearing to the petitioner, including granting him the right of personal hearing.



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7. For the foregoing reasons, this Court directs the respondents to consider the representation of the petitioner dated 28.09.2021, seeking for refund of the proportionate lease amount of Rs.34,43,748/-(Rupees thirty four lakhs forty three thousand seven hundred forty eight only) and the EMD amount of Rs.3,62,500/-(Rupees three lakhs sixty two thousand five hundred only) together with interest @ 24% p.a for the reason that the petitioner was able to operate the quarry lease only for a period of six months, though the period of lease is for ten years and pass orders on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, the writ petition is disposed of. No costs.

28.06.20

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Index: Yes/No

Speaking Order/Non-Speaking Order



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ABDUL QUDDHOSE, J

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To

1. The District Collector,
Vellore District, Vellore.
2. The Assistant Director of Geology and Mining,
O/o District Collectorate,
Vellore District-9.

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