



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.17049 of 2017

and

W.M.P. No. 18508 of 2017

T.T.Murugasamy Gounder,
S/o.Thangamuthu Gounder

... Petitioner

Vs.

1. The District Collector,
Erode District,
Erode-638 008.

2. The Assistant Director,
Geology and Mines,
Collectorate Building,
Erode - 638 011.

3. The Revenue Divisional Officer,
Erode District,
Erode.

4. S.P.Ramasamy,
S/o. Palanisamy Gounder

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the Respondents 1 to 3 not to grant any further lease extension in respect of 4th respondent stone quarry operating in S.No.122/1B, 123/2 and 122/3 at Paniyampalli Panchayat, Chennimalai Village, Perundurai Taluk, Erode District on the basis of the petitioner's representation dated 22.04.2017.

For Petitioner :Mr.C.Prakasam

For Respondents :Mr.K.M.D.Muhilan,
Government Advocate for R1 to R3

Mr.Alagu Goutham for R4



O R D E R

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(The case has been heard through video conference)

The Writ Petition has been filed seeking a direction directing the 1st respondent District Collector not to grant any further lease extension in respect of 4th respondent stone quarry operating in Survey Nos.122/1B, 123/2 and 122/3 at Paniyampalli Panchayat, Chennimalai Village, Perundurai Taluk, Erode Dt.

2. The grievance of the petitioner is that, the 4th respondent herein is running a stone quarry in his patta lands without following conditions prescribed in the lease. The petitioner is having agricultural land neighbouring to the existing stone quarry. The 4th respondent using explosives in the quarry operation and explored stones causing damage to cattle, coconut trees as well as standing crops and also causing petitioner's land uncultivable. Hence, he has made a representation to the authorities not to extend the lease. Despite the same, the authorities are taking steps to grant fresh lease to the 4th respondent. Hence, the present Writ Petition has been filed.

3. Mr. K.M.D.Muhilan, learned Government Advocate appearing for respondents 1 to 3, on instructions, would submit that, now the existing stone quarry lease period is expiring on 30.06.2022 and in the event of 4th respondent applying for fresh license after the expiry of the above period, the petitioner's objection will be considered.

4. Heard and considered rival submissions made by Mr.C.Prakasam, learned counsel appearing for petitioner and Mr. K.M.D.Muhilan, learned Government Advocate appearing for respondents 1 to 3 as well as Mr. Alagu Goutham, learned counsel appearing for 4th respondent and perused the records.

5. Considering the fact that, the present lease period is going to expire in the month of June 2022, and in the event of 4th respondent applying for fresh lease after the expiry of lease period, it is always open to the petitioner to raise his objections before the 1st respondent District Collector, and on any such objection filed by the petitioner, the 1st respondent



District Collector is directed to consider his objections and to pass suitable orders on merits in accordance with law after hearing the petitioner as well as 4th respondent. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

rpp
To

1. The District Collector,
Erode District, Erode-638 008.
2. The Assistant Director,
Geology and Mines,
Collectorate Building,
Erode - 638 011.
3. The Revenue Divisional Officer,
Erode District, Erode.

+lcc to M/s.M.Muthappan, Advocate Sr.7910
+lcc to the Government Pleader Sr.8321

W.P.No.17049 of 2017

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srg 22/02/2022