



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.137 of 2022

P.Sundari

... Petitioner

Vs .

1.The Commissioner of Geology and Mining,
Department of Geology and Mining,
Industrial Estate,
Guindy,
Chennai - 600 032.

2.The District Collector,
Tenkasi,
Tenkasi District.

3.The Assistant Director (Geology and Mines),
Department of Geology and Mines,
Tenkasi,
Tenkasi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to permit the petitioner to conduct quarrying operation in the petitioner's patta land in Survey No.55/1 to an extent of 0.23.0 Hectares, Survey No.55/2 to an extent of 0.24.5 Hectares, Survey No.60/1 to an extent of 1.21.5 Hectares, Survey No.60/2 to an extent of 1.15.0 Hectares and Survey No.61/1 to an extent of 1.47.0 Hectares totally to an extent of 4.31.0 Hectares in Kulasekarapatti Village, Tenkasi Taluk, Tenkasi District for a period of six months (non operative period) due to Covid-19 pandemic situation for which the petitioner was not permitted to quarry during the lease period by considering the petitioner's representation dated 03.12.2021 within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates.

For Respondents : Mr.P.Thilak Kumar,
Government Pleader.



ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to consider the representation of the petitioner dated 03.12.2021, requesting the respondents to extend the quarry license for a further period of six months on the ground that due to Covid-19 pandemic situation, she cannot operate the quarry, within a time frame to be fixed by this Court.

2. Heard Mr.C.Venkatesh Kumar, learned counsel for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the respondents.

3. In the affidavit filed in support of the Writ Petition, the petitioner has stated that for a period of six months, she has been unable to utilise the quarrying license in the subject property. In such circumstances, she has given a representation on 03.12.2021 seeking for extension of the license for another period of six months. Since the said representation has not been considered till date, she has filed this Writ Petition.

4. No prejudice would be caused to the respondents, if the representation of the petitioner is considered on merits and in accordance with law, after affording a fair hearing to the petitioner.

5. Accordingly, this Court directs the second respondent to consider the petitioner's representation dated 03.12.2021 seeking permission for the petitioner to conduct quarrying operation in the petitioner's patta land in Survey No.55/1 measuring an extent of 0.23.0 Hectares, Survey No.55/2 measuring an extent of 0.24.5 Hectares, Survey No.60/1 measuring an extent of 1.21.5 Hectares, Survey No.60/2 measuring an extent of 1.15.0 Hectares and Survey No.61/1 measuring an extent of 1.47.0 Hectares totally measuring 4.31.0 Hectares in Kulasekarapatti Village, Tenkasi Taluk, Tenkasi District for a period of six months (non operative period) and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, within a period of four (4) weeks from the date of receipt of a copy of this order.

6. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

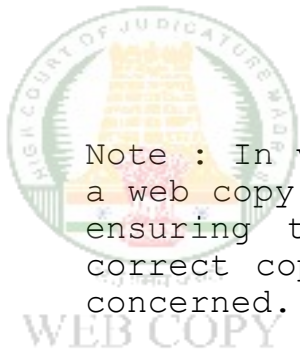
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/ /2022

Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



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 Commissioner of Geology and Mining,
Department of Geology and Mining,
Industrial Estate,
Guindy,
Chennai - 600 032.
- 2.The District Collector,
Tenkasi,
Tenkasi District.
- 3.The Assistant Director (Geology and Mines),
Department of Geology and Mines,
Tenkasi,
Tenkasi District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-14778[F] dated 28/03/2022)

+1 CC to M/s.SPL GP (SR-14862[F] dated 28/03/2022)

W.P. (MD) .No.137 of 2022
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RK(05/04/2022) 3P 6C