



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.3521 of 2022

WEB COPY

Chinnajothi

... Petitioner

Vs.

1.The District Collector,
Tenkasi District.

2.The Revenue Divisional Officer,
Sangarankovil,
Tenkasi District.

3.The Assistant Director (Mines),
Tirunelveli District.

4.The Tahsildar,
Srivaikundam Taluk,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to issue license to the petitioner for quarrying operation at Resurvey No.137/3, 137/6, 137/8, 137/10, 137/5, 137/4, 137/7 in total 433.85 cents comprised in Vagaikulam Village, Sankarankovil Taluk, Tenkasi District based on the petitioner's representation dated 19.04.2021.

For Petitioner : Mr.Aayiram K.Selvakumar
For Respondents 1 to 4 : Mr.P.Thilak Kumar
Government Pleader

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to issue license to the petitioner for quarrying operation at Resurvey Nos.137/3, 137/6, 137/8, 137/10, 137/5, 137/4, 137/7 measuring a total extent of 433.85 cents comprised in Vagaikulam Village, Sankarankovil Taluk, Tenkasi District based on the petitioner's representation dated 19.04.2021.

2.Under the aforementioned representation, the petitioner seeks for renewal of his quarrying license for the aforementioned properties which expired on 27.07.2017. According to him he has given a representation on 19.04.2021, seeking for renewal of the license which expired on 27.07.2017. Since the said representation has not been considered, the petitioner has filed this writ petition.



3.Heard Mr.Aayiram K.Selvakumar, learned Counsel appearing for the writ petitioner and Mr.P.Thilak Kumar, learned Government pleader who accepts notice on behalf of the respondents.

4.On instructions, learned Government Pleader appearing for the respondents would submit that the petitioner seeks for renewal of license which expired in the year 2017 itself at this belated stage. He ought to have applied for renewal in 2017 itself but he has applied for renewal only through his representation dated 19.04.2021 after a lapse of almost 4 years from the date of expiry of the license. Learned Government Pleader would further submit that if at all the petitioner wants quarrying license, he has to apply afresh.

5.The contention of the learned Government Pleader appearing for the respondents is a reasonable one as the petitioner has not sought for renewal of his license immediately after expiry of his quarry license which expired in the year 2017 itself, but instead, he has given his representation only on 19.04.2021 after a lapse of four years from the date of expiry of the quarry license.

6.Therefore, this Court directs the petitioner to submit a fresh application with the respondents seeking for quarrying operation license at Resurvey Nos.137/3, 137/6, 137/8, 137/10, 137/5, 137/4, 137/7 measuring a total extent of 433.85 cents comprised in Vagaikulam Village, Sankarankovil Taluk, Tenkasi District within a period of two [2] weeks from the date of receipt of a copy of this order. On receipt of the said application, the respondents shall pass final orders on merits and in accordance with law after affording a fair opportunity of hearing to the petitioner within a period of twelve [12] weeks, thereafter.

7.With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (AE)

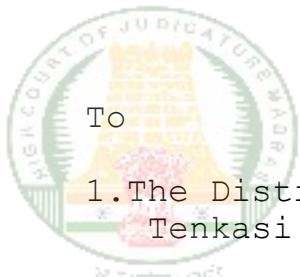
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/ /2022

Sub Assistant Registrar(CS)

MR

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 District Collector,
Tenkasi District.
- 2.The Revenue Divisional Officer,
Sangarankovil,
Tenkasi District.
- 3.The Assistant Director (Mines),
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- 4.The Tahsildar,
Srivaikundam Taluk,
Tenkasi District.

+1 CC to M/s.SPL GP (SR-8968[F] dated 28/02/2022)

ORDER MADE IN
W.P. [MD]No.3521 of 2022
24.02.2022

IMS (CO)
GC(11.03.2022) 3P 6C