



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2022

CORAM:

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.4079 of 2022

C.Sukumaran

... Petitioner

/Vs./

1. The Commissioner,
Geology and Mining,
Chennai.

2. The District Collector,
Trichy District,
Trichy.

3. The Assistant Director of Geology and Mining,
Collectorate Campus,
Trichy District,
Trichy.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to extend the stone quarry lease for another one year to continue the quarrying operation in Survey No.318/Bit-2, Ootathur Village, Lalgudi Taluk, Trichy District, as per the lease agreement dated 10.02.2017 entered by the petitioner with the 2nd respondent, by considering the petitioner's representations dated 19.01.2022 and 08.02.2022.

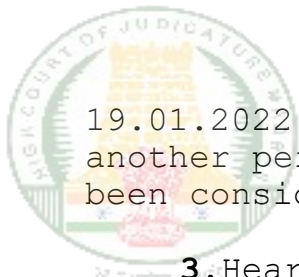
For Petitioner : Mr.T.Lenin Kumar

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 extend the stone quarry lease for another one year to continue the quarrying operation in Survey No.318/Bit-2, Ootathur Village, Lalgudi Taluk, Trichy District, as per the lease agreement dated 10.02.2017 entered into between the petitioner and the 2nd respondent, by considering the petitioner's representations dated 19.01.2022 and 08.02.2022, within a time frame to be fixed by this Court.

2. According to the petitioner, he was granted quarrying licence in respect of the aforementioned property, which expired on 09.02.2022. According to him, due to a quarrel with a local villager and due to erection of poles by the electricity department inside the property, he was unable to operate quarry for almost one year and in such circumstances, he has given representations dated



19.01.2022 and 08.02.2022 requesting for extension of lease by another period of one year. Since the said representations have not been considered, the petitioner has filed this writ petition.

3. Heard Mr.T.Lenin Kumar, learned Counsel for the writ petitioner and Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the respondents.

4. The learned Government Pleader appearing for the respondents, on instructions, would submit that there is no possibility for renewal of quarrying licence in favour of the petitioner. He also denies the submissions made by the petitioner in this writ petition that he was obstructed from carrying on quarrying activity. The said statement is recorded. However, the learned counsel appearing for the petitioner denies the submissions made by the learned Government Pleader appearing for the respondents.

5. However, this Court is of the considered view that no prejudice will be caused to the respondents, if the petitioner's representations are considered on merits and in accordance with law, after affording a fair hearing to the petitioner.

6. It is also submitted by the learned Additional Government Pleader appearing for the respondents that since the earlier representations were given to the first and third respondents, a fresh representation will have to be submitted before the second respondent, who is the competent authority. The said statement is recorded.

7. Accordingly, this Court directs the petitioner to submit a fresh representation to the second respondent seeking for extension of licence by another period of one year in respect of quarrying licence for the property in Survey No.318/Bit-2, Ootathur Village, Lalgudi Taluk, Trichy District, as per the lease agreement dated 10.02.2017 entered into between the petitioner and the second respondent and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner, within a period of twelve [12] weeks from the date of receipt of the fresh representation from the petitioner.

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

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)



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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,
Geology and Mining,
Chennai.
2. The District Collector,
Trichy District,
Trichy.
3. The Assistant Director of Geology and Mining,
Collectorate Campus,
Trichy District,
Trichy.

+1 CC to M/s.SPL GP (SR-10582[F] dated 08/03/2022)

order made in
W.P. [MD]No.4079 of 2022

Dated:
07.03.2022

=SS/22.03.2022 : 3P/5C