



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.04.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.7833 of 2022

V.Karuppasamy

... Petitioner

/Vs./

1.The Commissioner of Geology & Mining,
Department of Geology & 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,
Tirunelveli (now incharge of Thenkasi),
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to allow the petitioner to operate quarry (gravel) in Survey Nos.399/4 and 399/5 (P) to an extent of 0.86.0 Hectares in Periyapillaivalasai Village, Senkottai Taluk, Tenkasi District, for a period of four months (suspended period) and 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 representations dated 08.04.2022 and 18.04.2022 within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Ajmal Khan,
Senior Counsel,
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 allow the petitioner to operate quarry (gravel) in Survey Nos.399/4 and 399/5 (P) measuring to an extent of 0.86.0 Hectares in Periyapillaivalasai Village, Senkottai Taluk, Tenkasi District, for a period of four (4) months (suspended period) and 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 representations dated 08.04.2022 and 18.04.2022 within a time frame to be fixed by this Court.



2.The case of the petitioner is that he has been granted quarrying lease in respect of the aforementioned properties. According to the petitioner, he was suspended from doing quarry operations for a period of four months, on account of a writ petition filed by a third party. It is contended by the petitioner that the petitioner in that writ petition withdrew the writ petition and thereafter his suspension was revoked by the authorities. According to the petitioner, in the said process, for a period of four months, he was unable to operate the quarry.

3.Apart from the aforementioned period, it is contended by the petitioner that due to Covid-19 pandemic situation, the petitioner was unable to operate the quarry for a period of six months. The petitioner has given representations on 08.04.2022 and 18.04.2022 to the official respondents calling upon them to extend the lease by further period due to the aforementioned circumstances. Since the said representations have not been considered till date, this writ petition has been filed.

4.Heard Mr.M.Ajmal Khan, learned Senior Counsel for the writ petitioner and Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the respondents.

5.The learned Senior Counsel appearing for the petitioner drew the attention of this Court to various decisions of this Court, which have been enclosed along with this writ petition, wherein this Court had granted an extension of lease to the petitioners therein in an identical case. In particular, he also drew the attention of this Court to a Judgment rendered by me on 18.12.2020 in the case of ***N.Kathir Kamaraj vs. The District Collector, Thoothukudi District, Thoothukudi and another*** in WP(MD)Nos.18749 and 18751 of 2020, where also the petitioner's quarrying lease was suspended, due to no fault of his.

6.The learned Senior Counsel appearing for the petitioner would submit that in the present writ petition also, the petitioner was prevented from quarrying operations for no fault of his. Though without any adverse order passed against him, the petitioner was prevented from quarrying operations for a period of four months. He would further submit that due to the Covid-19 pandemic situation, the petitioner was also not able to utilize the lease for a period of six months. He would draw the attention of this Court to the representations submitted by the petitioner on 08.04.2022 and 18.04.2022 to the official respondents requesting them to extend the lease on account of the aforementioned circumstances.

7.Admittedly, the said representations have not been considered till date. No prejudice would 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, in the light of the decisions relied upon by the learned Senior Counsel appearing for the petitioner before this Court.

8. For the foregoing reasons, this Court directs the second and third respondents to consider the petitioner's representations dated 08.04.2022 and 18.04.2022 seeking for extension of lease for further period on account of alleged suspension period (four months) and non operative period (six months) due to Covid-19 pandemic situation and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner including granting him the right of personal hearing, in the light of the decision of this Court dated 18.12.2020 in the case of **N.Kathir Kamaraj vs. The District Collector, Thoothukudi District, Thoothukudi and another** in WP(MD)Nos.18749 and 18751 of 2020 within a period of eight [8] weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The Commissioner of Geology & Mining,
Department of Geology & 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,
Tirunelveli (now incharge of Thenkasi),
Tirunelveli District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-21452[F]
dated 26/04/2022)

+1 CC to M/s.SPL GP. (SR-21275[F] dated 26/04/2022)

order made in

W.P. [MD]No.7833 of 2022

Dated:

25.04.2022