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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.25389 of 2022

P. Pushparaj ... Petitioner

Vs

1.The District Collector,
Collectorate,
Theni District,
Theni.

2.The Assistant Director,
Geology and Mines Department,
Collectorate, Theni Post,
Theni 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 consider the Petitioner's representation dated 06.10.2022 and to permit the petitioner to operate the quarry for the leftover/unused period of lease between 10.02.2020 to 08.07.2022 and consequently to direct the respondents to permit the petitioner to continue with the quarry operatories for the left over period in survey no.915 and 916 (total extent of 1.58.5 Hectare) in Kunnur Village, Aandipatti Taluk, Theni District.

For Petitioner : Mr.M.Saravanakumar

For R1& R2 : Mr.S.Shanmugavel
Additional Government Pleader

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ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents to consider the Petitioner's representation dated 06.10.2022 and to permit the petitioner to operate the quarry for the leftover/unused period of lease between 10.02.2020 to 08.07.2022 and consequently to direct the respondents to permit the petitioner to continue with the quarry operatories for the left over period in survey no.915 and 916 (total extent of 1.58.5 Hectare) in Kunnur Village, Aandipatti Taluk, Theni District.

2.Heard Mr.M.Saravanakumar, learned counsel appearing for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader appearing for the respondents.

3.The learned counsel for the petitioner submits that the District Collector issued the quarry lease in the name of the petitioner in his proceedings Na.Ka.No.65, Mines/2017 dated 03.01.2018 and thereby permitting the petitioner to run the Rough stone quarry in his patta land comprised in Survey Nos.915 and 916 (total extent of 1.58.5 Hectare) in Kunnur Village, Aandipatti Taluk, Theni District for the period of 5 years I.e., from 01.01.2018 to 02.01.2023. The trip sheet was not issued to the petitioner from 10.02.2020 to 08.07.2022 by relying the Covic-19 situation. After

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great efforts of the petitioner, the respondent issued the transport permit and dispatch slip to the petitioner in the second week of July 2022.

4. He would further submit that the petitioner made representation with the respondents for extension of lease to operate the quarry for the leftover/unused period of lease between 10.02.2020 to 08.07.2022 and consequently to direct the respondents to permit the petitioner to continue with the quarry operatories for the left over period. Hence, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

5.The learned Additional Government Pleader appearing for the respondents would submits that appropriate direction may be given to the respondents to consider the petitioner's representation, dated 06.10.2022, in accordance with law, within a time frame.

6.Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the matter, this Court directs the respondents to consider the petitioner's representation, dated 06.10.2022 and pass orders on merits and in accordance with law before December 2022.

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7.This Writ Petition stands disposed of with the above directions. No costs.

Index : Yes/No **23.11.2022**
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2.The Assistant Director,
Geology and Mines Department,
Collectorate, Theni Post,
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V.BHAVANI SUBBAROYAN, J.

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