



WEB COPY



W.P.Nos.13637 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2023

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.13637 of 2018 & W.P.No.25414 of 2019
and W.M.P.Nos.16070 & 16071 of 2018

M.ThangamDavid

. . . Petitioner
in W.P.No.13637 of 2018

T.Ramkumar

. . . Petitioner
in W.P.No.25414 of 2019

VS.

1. The District Collector,
Collector Buildings,
Coimbatore

2. The Director of Geology and Mining,
Guindy-Industrial Estate,
Guindy,
Chennai

3. The Joint Director,
Mines and Minerals Department
New Bustand,
Mettupalayam Road,
Coimbatore.

4. R.Muralidharan

. . . Respondents in both petitions



W.P.Nos.13637 of 2018

PRAYER IN W.P.No.13637 of 2018: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus or any other appropriate writ order or direction to call for the records of the 1st respondent made in proceedings in R.C.No.663/Mines/2015 dated 06.12.2017 and quash the same and consequently direct the 1st respondent to conduct the enquiry based on the objection of the petitioner dated May 2016 within the stipulated period as that may be fixed by this Hon'ble Court.

PRAYER IN W.P.No.25414 of 2019: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus or any other appropriate writ order or direction to call for the records of the 1st respondent made in proceedings in R.C.No.663/Mines/2015 dated 06.12.2017 and quash the same and consequently direct the 1st respondent to conduct the enquiry based on the objection of the petitioner not to grant permission for quarrying in S.F.No/311/1A at Jamin Puravaipalayam, Pollachi Taluk, Coimbatore District.

For Petitioner : M/s.N.Umapathi
For Respondents : Mr.E.Veda Bagath Singh
: Special Government Pleader for R1 to R3
: Mr.N.Ponraj for R4.



W.P.Nos.13637 of 2018

COMMON ORDER

Since the issue involved in both Writ Petitions are one and same, these Writ Petitions are taken up for final disposal by way of a common order.

2. The Writ Petition in W.P.No.13637 of 2018 has been filed praying to quash the impugned proceedings dated 06.2.2017 which was passed by the 1st respondent and direct the 1st respondent to conduct the enquiry pursuant to the objection made by the petitioner within the time that may be stipulated by this Court.

3. The Writ Petition in W.P.No.25414 of 2019 has been filed praying to quash the impugned proceedings dated 06.2.2017 which was passed by the 1st respondent and direct the 1st respondent to consider the objection made by the petitioner within the time that may be stipulated by this Court.

4. It is the case of the petitioners that they entered into a lease agreement with the 4th respondent for quarrying rough Stone in the subject



W.P.Nos.13637 of 2018

property, for which, license was granted by the 1st respondent for a period of 10 years. After the expiry of the said lease period, the petitioners made a request to the 4th respondent for extension of the lease period. Having declined the same, the 4th respondent had obtained the quarry lease for a period of 5 years i.e., 06.12.2017 to 05.12.2022, from the 1st respondent vide the present impugned order, however, the said order reveals total non application of mind of the 1st respondent, as the same has been passed without even taking into consideration the relevant records. Challenging the same, these Writ Petitions are filed.

5. Learned counsel for the petitioners submits that though the petitioners submits that though the petitioner made an objection through his representation for grant of quarry lease to the 4th respondent, however, without considering the same and even without verifying the relevant records, the present impugned order has been passed.

6. On the above contention, this Court heard the learned Special Government Pleader appearing for respondents 1 to 3, learned counsel for



W.P.Nos.13637 of 2018

the 4th respondent and perused the materials on record.

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7. Though a larger relief has been sought for in these Writ Petitions, however, in view of the fact that the present impugned order has come to be passed without considering the objection made by the petitioner vide his representation, this Court without interfering with the present impugned order, directs the 1st respondent to consider the objection made by the petitioner and pass appropriate orders on the same in accordance with law, after conducting an enquiry between the petitioner and the 4th respondent within a period of twelve weeks from the date of receipt of a copy of this order.

8. These Writ Petitions are disposed of with the aforesaid direction. There shall be no order as to costs. Consequently, the connected Miscellaneous Petitions are closed.

07.03.2023

NHS

Index : Yes / No

Internet : Yes / No

5/6



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W.P.Nos.13637 of 2018

M.DHANDAPANI, J.

NHS

W.P.No.13637 of 2018 &
W.P.No.25414 of 2019

07.03.2023