



W.P.No.28505 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2023

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THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.28505 of 2023

S.Madharasu

... Petitioner

-Vs-

1. The District Collector,
Erode District,
Erode.

2. The Deputy Director,
Department of Geology and Mining,
Erode.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents herein to execute Lease Deed and further permit petitioner herein to carry on quarrying operation in the revenue land comprised in S.F.No.170 – Part 4 measuring an extent of 2.99.0 Hec situated at Chennampatti Village, Anthiyur Taluk, Erode district in continuation of the lease granted by the 1st respondent in Na.Ka.No. 912/ Minerals/19 dated 21.11.2019.

For Petitioner : Mr.V.P.Sengottavel, Senior Counsel
for M/s.K.Indupriya

For Respondents : Mr.C.Kathiravan
Special Government Pleader



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ORDER

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This writ petition has been filed for direction directing the respondents herein to execute Lease Deed and further permit petitioner herein to carry on quarrying operation in the revenue land comprised in S.F.No.170 – Part 4 measuring an extent of 2.99.0 Hectares situated at Chennampatti Village, Anthiyur Taluk, Erode district in continuation of the lease granted by the 1st respondent in Na.Ka.No.912/ Minerals/19 dated 21.11.2019.

2. Heard the learned Senior Counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

3. The first respondent published a notification in the District Gazette for auctioning lease for stone quarry in respect of S.No.170-Part 4 over an extent of 2.99.0 Hectares situated at Chennampatti Village, Anthiyur Taluk, Erode District dated 21.10.2019. Accordingly, the petitioner had participated in the auction and he became the highest bidder. The first respondent in its proceedings dated 21.11.2019



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confirmed the auction in favour of the petitioner remitting the entire auction amount of Rs.23,00,000/-. The first respondent also granted a lease as contemplated under Rule 8(6)(b) of the Tamil Nadu Minor Mineral Concession Rules, 1959, on condition that the petitioner shall obtain mining plan approval from the Environment Department in order to satisfy Rule 41 of Tamil Nadu Minor Minerals Concession Rules, 1959. Accordingly, the petitioner submitted the Mining Plan and Progressive Quarry Closure Plan for the Rough Stone quarry and the same was approved by the Deputy Director of Geology and Mines, Erode, by an order dated 23.01.2020. The petitioner also submitted an application for Environmental Clearance before the State Environment Impact Assessment Authority along with copy of the approved Mining Plan and Progressive Quarry Closure Plan. On receipt of the said request, a public meeting was conducted on 28.12.2021 and granted environmental clearance to the petitioner by the communication dated 15.04.2023. Therefore, the petitioner had duly complied with the mandatory requirements under Rules 41 and 42 of the Tamil Nadu Minor Minerals Concession Rules, 1959. The petitioner also obtained a consent order as contemplated under Section 21 of the Air (Prevention and



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Control of Pollution) Act, 1981 from the Tamil Nadu Pollution Control Board. Likewise, he had also obtained a consent order dated 07.05.2023 as contemplated under Section 25 of the Water (Prevention and Control of Pollution). After complying all the statutory requirements, the petitioner requested the respondents to execute the lease deed, so that the petitioner can proceed with quarrying operations. However, it is pending for several months.

4. On written instructions, the learned Special Government Pleader appearing for the respondents submitted that for the very same land already one K.Selvaraj was awarded lease to quarry. Certain allegations were made against him such as acquainted the minerals and transported without transport permission and unlawfully quarried. Therefore, the Revenue Divisional Officer, Gobichettipalayam had imposed penalty as against the said K.Selvaraj to the tune of Rs.47,29,21,407/- by its proceedings dated 18.05.2023 as per Rule 36A of the Tamil Nadu Minor Mineral Concession Rules, 1959. Aggrieved by the same, the said K.Selvaraj preferred an appeal before the first respondent and it is pending. Therefore, the respondents were unable to



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execute any lease deed in favour of the petitioner.

5. Admittedly, as per the earlier lease deed, the said K.Selvaraj quarried and there were some irregularities committed by him. Therefore, he was imposed penalty and it is under challenge in the appeal before the first respondent and it is pending. Therefore, it has nothing to do with the present lease to grant in favour of the petitioner to stone quarry in the respective land comprised in S.F.No.170 (Part 4) over an extent of 2.99.0 Hectares situated at Chennampatti Village, Anthiyur Taluk, Erode District.

6. As stated above, already the petitioner had complied with all the statutory requirements as contemplated under Rules 41 and 42 of Tamil Nadu Minor Minerals Concession Rules, 1959. Therefore, the respondents ought to have executed the lease deed in favour of the petitioner for quarrying operation.

7. In view of the above, the respondents are directed to execute the lease deed and permit the petitioner to carry on quarrying operations in



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the revenue land comprised in S.F.No.170 – Part 4 measuring an extent of 2.99.0 Hec situated at Chennampatti Village, Anthiyur Taluk, Erode district, within a period of four weeks from the date of receipt of a copy of this order. It is made clear that challenging the penalty imposed on the said K.Selvaraj has nothing to do with the present case granting in favour of the petitioner herein. It is also needless to say that the petitioner shall follow the lease conditions and strictly adhere to the Rules.

8. Accordingly, this writ petition stands allowed. There shall be no order as to costs.

29.09.2023

Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order

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G.K.ILANTHIRAIYAN, J.



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To

1. The District Collector,
Erode District,
Erode.
2. The Deputy Director,
Department of Geology and Mining,
Erode.

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