



W.P.(MD)No.5317 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.5317 of 2021

and

W.M.P.(MD)No.4250 of 2021

G.Jeyaraj

... Petitioner

Vs.

1.The District Collector
Theni District.

2.The Assistant Director
(Geology and Mines) Department,
Theni District.

3.L.Malaichamy

4.R.Marichamy

... Respondents

***(R3 and R4 are impleaded vide Court order dated
23.03.2021 passed in W.M.P.(MD)No.5086 of 2021)***

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records relating with the order of the 1st respondent made in Na.Ka.No.156/Kanimam /2017 dated



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18.02.2021 and quash the same as it is arbitrary and illegal and in consequence to direct the first respondent to renew the petitioner quarry lease for two years or for 448 days, which are lost due to the fault of the respondents in issuing trip sheet and further directing to issue dispatch slips, for quarrying the remanining 36821 of units of wind sand from the patta land in S.No.191/2A and S.No.191/2F in Rasingagapuram Village in Bodinagayakanur Taluk, Theni District.

For Petitioner : Mr.R.Murali

For Respondents : Mr.M.Ramesh - for R1 & R2
Government Advocate
No Appearance - for R3 & R4

ORDER

This writ petition is filed to quash the impugned order, dated 18.02.2021 with a consequential direction to the first respondent to renew the petitioner's Quarry license for a period of 448 days, which are lost due to the non-issuance of trip sheets and other formalities, since Public Interest Litigation is pending.

2. Heard Mr.R.Murali, the Learned counsel appearing for the Petitioner, Mr.M.Ramesh, the Learned Government Advocate, appearing for the respondents 1 & 2 and perused the material documents placed on record.



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3. The issue raised by the petitioner was already considered by this Court elaborately in W.P(MD)No.4838 of 2019, vide order dated 23.11.2020. In the said writ petition, the petitioner has sought the same relief. However, the respondents have declined the plea of the petitioner, by citing a reason that as per Rule 20 of the Tamil Nadu Minor Mineral Concession Rules, 1959, there is no provision for renewal of license and the maximum period is only for 3 years. Moreover, the petitioner is having alternative remedy of appeal under Section 36(C) of the Tamil Nadu Minor Mineral Concession Rules, 1959. In the said Rule, there is no provision for renewal of Quarry license under Rule 19(1), 20 & 22 of the Tamil Nadu Minor Mineral Concession Rules, 1959. This Court has categorically held in the said writ petition, the Act is not prohibiting any person from seeking renewal a Quarry license. Therefore, the reasons cited by the respondents that extension cannot be granted is already answered in the said writ petition.

4. The second ground is an alternative remedy. The Learned Single Judge has already considered the same has held Statutory appeal remedy will not stand in the way to consider the issue in Writ Petition.



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5. The third ground that the petitioner was prohibited from mining beyond the period of lease is also considered by the Learned Single Judge. The petitioner was originally granted license for a period from 25.01.2016 to 24.01.2019. But the petitioner was not able to carry out Quarry since the Public Interest Litigation is pending. Hence, the petitioner is seeking to compensate the loss of 448 days to carry out the Quarry. This ground is also considered and has held that it is not a question of renewal of license or extension of license. It is only to compensate the period of non-quarrying, due to interim order or order of the Hon'ble Division Bench of this Court. Therefore, this Court is of the considered opinion that the impugned order is verbatim which was set aside by this Hon'ble Division Bench of this Court, vide order dated 23.11.2020 in W.P(MD)No.4833 of 2019.

6. This Court is also of the considered that the respondents have committed contempt of court by passing the same order which was set aside by the Hon'ble Division Bench. Hence in order to grant one opportunity this Court is directing the respondents to grant license to the petitioner for a period of 448 days



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for running the quarry works, within a period of one week, from the date of receipt of a copy of the order.

7. With these directions and observations, this Writ Petition is allowed. No Costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
NCC : Yes / No

30.08.2023

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To

- 1.The District Collector
Theni District.
- 2.The Assistant Director
(Geology and Mines) Department,
Theni District.



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S.SRIMATHY, J

ksa

**Order made in
W.P.(MD)No. 5317 of 2021**

30.08.2023