



**W.P(MD)No.18085 of 2017**

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 19.06.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P(MD)No.18085 of 2017 and**  
**WMP(MD) No.14546 & 14547 of 2017**

Kumaran @ Nainar Kumar

...Petitioner

**Vs.**

1.The District Collector,  
Tirunelveli District,  
Tirunelveli.

2.The Assistant Director,  
Department of Geology and Mines,  
Collectorate Buildings,  
Tirunelveli District.

3.The Revenue Divisional Officer,  
Cheranmahadevi,  
Tirunelveli District.

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the impugned order dated 18.02.2016 passed by the first respondent in his proceedings M1/28689/2012 and quash the same.



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**W.P(MD)No.18085 of 2017**

For Petitioner :Mr.K.Govindarajan  
For Respondents :Mr.M.Sarangan  
Additional Government Pleader

### **ORDER**

This writ petition is filed as against the order of cancellation of lease granted to this petitioner.

2.The learned counsel appearing for the petitioner submits that the petitioner was granted lease on 15.07.2013 for quarrying and carrying mines and minerals from the land in Survey No.940 and 941 of Pazhavor Part – I Village, Radhapruam Taluk, Tirunelveli District, to an extent of 1.30.5 Hectares for a period of three years. Subsequently, on a complaint given by an individual, an enquiry was conducted and the quarry license granted to this petitioner was cancelled by order dated 27.03.2015, which was challenged by the petitioner before this Court in W.P(MD) No.11001 of 2015 and this Court, by order dated 14.10.2015 has set aside the order above cancellation order on the ground of violation of natural



**W.P(MD)No.18085 of 2017**

justice and considering the manner, in which the order has been passed. This Court has also directed the respondents to issue the transport permit to the petitioner for the remaining period. The learned counsel further submits that instead of complying with the order of this Court, the first respondent has issued another show cause notice, dated 27.01.2016, directing the petitioner to appear for an enquiry on 12.02.2016. Thereafter, an another order in M1/28689/2012, dated 18.02.2016, cancelling the lease granted to the petitioner has been passed, which is under challenge in this writ petition.

3.The learned counsel appearing for the petitioner submits that based on an illegal quarry conducted in Government Oodai Poramboke and the respondent under the impression that this petitioner has violated the lease condition, the liability was fixed on this petitioner, thereby, the lease granted to this petitioner has been cancelled.



**W.P(MD)No.18085 of 2017**

WEB COPY

4.The learned Additional Government Pleader appearing for the respondents submits that the petitioner is having an appeal remedy as per the Tamil Nadu Minor Mineral Concession Rules, 1959. Without filing an appeal, the petitioner has straight away approached this Court by way of this writ petition.

5.Heard the learned counsel on either side and perused the materials placed on record.

6.The grievance of the petitioner is that the gravel lease granted to the petitioner in the year 2013 was cancelled in the year 2015 on the basis of a complaint of an individual. According to the learned counsel, no proper enquiry has been conducted. Whereas, the learned Additional Government Pleader has taken a stand that when the petitioner is having an appeal remedy under the provisions of the Tamil Nadu Minor Mineral Concession Rules, 1959, the petitioner has approached this Court. Considering relief sought for in this writ petition, this Court is not inclined to go into the merits of



**W.P(MD)No.18085 of 2017**

this case. Moreover, the petitioner is having an appeal remedy under the provisions of the Tamil Nadu Minor Mineral Concession Rules, 1959.

7.In view of the above, this writ petition is disposed of with the following terms:-

- ♦ The petitioner is at with a liberty to file an appeal before the Commissioner of Geology and Mining, within a period of 30 days from the date of receipt of a copy of this order.
- ♦ Since this writ petition was filed in the year 2017 and it is entertained by this Court and kept pending for the past six years, the Commissioner of Geology and Mining shall waive the period of limitation for the purpose of filing a statutory appeal.
- ♦ The Commissioner shall entertain the appeal and decide the issue in accordance with law, after providing due opportunity to the petitioner.



**W.P(MD)No.18085 of 2017**

- ♦ The petitioner is also at liberty to raise all his grounds, which have been raised by him in this writ petition before the Commissioner in the appeal to be filed.
- ♦ Considering the fact that the lease was granted to the petitioner in the year 2013, it was cancelled in the year 2015 and the issue has not been settled so far, the Commissioner shall conclude the appeal as expeditiously as possible.

No Costs. Consequently, connected Miscellaneous Petitions are closed.

**19.06.2023**

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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**W.P(MD)No.18085 of 2017**

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**W.P(MD)No.18085 of 2017**

**B.PUGALENDHI, J.**

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