



W.P(MD)No.29103 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.29103 of 2023

and

W.M.P.(MD)Nos.25152 & 25153 of 2023

D.Nagasundaram

... Petitioner

Vs.

1.The Director of Geology and Mining,
Office of the Commissioner of Geology & Mining,
Industrial Estate, Colony,
Chennai-600 032.

2.The District Collector,
Office of the District Collector,
Dindigul District, Dindugl.

3.The Assistant Director of Geology and Mining,
Department of Geology and Mining,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to impugned Tender notification issued by the 2nd respondent vide Na.Ka.No.192/Mines/2023 dated 15.11.2023 and the same as illegal and consequently directing the Respondents herein to permit the petitioner to conduct the rough stone quarrying manually by stone quarrying in the property comprised in S.No.70/4A of an extent of 1.82.0 Hectares situated at Boothakudi Village, Natham Taluk, Dindigul District for a period of two



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years of non operational period due to sudden outbreak of COVID-19 Pandemic situation, during which time the petitioner was not permitted to conduct the quarry operations vide proceedings issued by the second respondent in Na.Ka.No.33/2016/Mines, dated 21.08.2017 and consequently, directing the second respondent to issue transport permits to the petitioner for extension period of operation of the quarrying.

For Petitioner : Mr.B.Saravanan
Senior Counsel
for Mr.C.Gangai Amaran

For Respondents : Mr.S.Ra.Ramachandran
Additional Government Pleader

ORDER

Heard the learned senior counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

2. The petitioner was permitted to run the rough stone quarry with effect from 21.08.2017 to 20.08.2022. The quarry site is a poromboke land. The case of the petitioner is that on account of Covid-19 pandemic, the quarry could not be operated for almost two years. The petitioner seeks corresponding extension of the lease period.

3. The learned senior counsel appearing for the petitioner submits that in similar case, the lease extension had been granted by the concerned authority. The petitioner had given a representation in this regard to the second respondent.



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4. The learned Additional Government Pleader points out that the petitioner's lease period had expired last year itself and the petitioner had come to this Court literally at the last moment.

5. The stand of the learned Additional Government Pleader is justified and correct. But then, considering the special facts and circumstances of this case, the second respondent is requested to dispose of the petitioner's plea for extension of the lease period on 11.12.2023 itself. I am constrained to make this request because the last date for submission of the tender for the petition mentioned quarry is 12.12.2023 and that tenders are to be opened on 13.12.2023. The petitioner can participate in the tender process without prejudice to his plea for extension of the lease period. I make it clear that I have not gone into the merits of the matter. The issue is left to the discretion of the District Collector, Dindigul.

6. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

08.12.2023

Index : Yes / No
Internet : Yes/ No
rmi

NOTE:Issue Order Copy on 08.12.2023.



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G.R.SWAMINATHAN, J.

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To

- 1.The Director of Geology and Mining,
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Chennai-600 032.
- 2.The District Collector,
Office of the District Collector,
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- 3.The Assistant Director of Geology and Mining,
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