



W.P.No.2462 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2024

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.2462 of 2024
and
W.M.P.No.2695 of 2024

M.Senthilkumar

... Petitioner

Vs.

1. The Commissioner of Mines and Geology,
Chennai.
2. The District Collector,
Erode District.
3. The Deputy Director of Mines
Office of District Collector,
Erode District.
4. The Assistant Director of Mines,
Office of District Collector,
Erode District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Certiorarified Mandamus calling for the records in Na.Ka.No.651/Kanimam/2023 dated 05.12.2023 on the file of the 4th respondent and quash the same and direct the 4th respondent to grant lease for the unutilised period of Four Years and 15 days to the petitioner for the petitioner's quarry and M-Sand Plant S.No.476/1 & 474/2 in Kottupullampalayam Village, Gobichettipalayam Taluk, Erode District.



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For Petitioner

: Mr.S.Gopinath
for M/s.Eswar Kumar and Rao Law Firm

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For Respondents

: Mr.Stalin Abimanyu, AGP

ORDER

This writ petition has been filed seeking to quash the proceedings of the fourth respondent in Na.Ka.No.651/Kanimam/2023 dated 05.12.2023 and to consequently direct the fourth respondent to grant lease for the unutilised period of 4 years and 15 days to the petitioner for the petitioner's quarry and M-Sand Plant S.No.476/1 & 474/2 in Kottupullampalayam Village, Gobichettipalayam Taluk, Erode District.

2. It is the case of the petitioner that he is the owner of the land in S.No.476/1 and his wife is the owner of the land in S.No.476/2 situated in Kottupullampalayam Village, Erode. The petitioner was authorised to operate a quarry and M-Sand plant, who faced frivolous objections from unknown persons claiming the land was located at Boodhan Land. Despite Court orders and surveys confirming the petitioner's ownership, the fourth respondent rejected his request seeking extension of lease vide order dated 05.12.2023 on the ground that Rule 8(2) of the Minor Minerals Concessions Rules, 1959 bars any extension of the rules. Challenging the same, the present writ



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petition has been filed seeking the aforesaid relief.

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3. The learned counsel for the petitioner submits that for various reasons the fourth respondent was not permitted to operate the quarry in full. Though the petitioner was granted a lease for quarrying and transportation of Rough Stone and Gravel in S.No.476/1 for a period of five years from 2018 to 2023, the fourth respondent rejected the petitioner's application seeking extension of lease for the unutilised period as if the said land vested with Boodhan land which is *per se* unsustainable.

4. Per contra learned Additional Government Pleader appearing for the respondents submits that for the very same relief the petitioner has already filed a writ petition before this Court in W.P.No.687 of 2024, however the same was dismissed as withdrawn vide order dated 12.01.2024 as the petitioner did not wish to pursue the said writ petition. He further submitted that when this Court has not granted any liberty to file a fresh writ petition, filing another writ petition seeking the very same relief is wholly unsustainable. Accordingly, he prayed to dismiss the present writ petition.



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

6. As rightly pointed out by the learned Additional Government Pleader appearing for the respondents, when the petitioner has already filed a writ petition before this Court in W.P.No.687 of 2024 seeking to quash the present impugned order and when the said writ petition has been dismissed as withdrawn vide order dated 12.01.2024, filing another writ petition seeking the very same relief in the absence of any liberty granted by this Court to file another writ petition is wholly unsustainable. Accordingly, the prayer sought for by the petitioner cannot be acceded to.

7. With the above observation, this writ petition is dismissed. No costs. Consequently, connected petition is closed.

20.09.2024

Note to Office : Issue order copy on 05.11.2024

RAP

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M.DHANDAPANI,J.

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