



W.P.No.14515 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2024

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THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.14515 of 2024

G.Ganesan

.... Petitioner

Vs

1. The Additional Chief Secretary to Government,
Industries Department (Natural Resources Department)
Secretariat, Chennai – 600 009.
2. The Director/Commissioner of Geology and Mining,
Guindy, Chennai – 600 032.
3. The District Collector, Krishnagiri District,
Krishnagiri.
4. The Deputy Director,
Department of Geology and Mining,
Collectorate, Krishnagiri.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondents herein to consider the petitioner appeal dated 04.01.2022 filed under rule 36-C(2) of the TN Minor Mineral Concession Rules, 1959 and his further additional grounds dated 07.09.2023 and pass orders on merits and in accordance with law within a stipulated time frame as this Hon'ble Court may deem fit.



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For Petitioner : Mr.R.Thamaraiselvan

For Respondents : Mr.E.Veda Bhagath Singh
Special Government Pleader

ORDER

Mr.Veda Bhagath Singh, learned Special Government Pleader accepts notice for the respondents and is armed with necessary instructions to enable a final disposal of this matter, even at the stage of admission.

2. The present Writ Petition is filed by the petitioner, who is aggrieved by the inordinate delay in disposal of the appeal filed by him as early as on 04.01.2022.

3. The petitioner had participated in a tender for stone quarry in the land in S.No.56/1(part D) ad measuring 2.54.0 hectares in Kothapettah Village, Krishnagiri Taluk and District (in short 'land'/'land in question'). He had been granted lease on 27.10.2009 for a period of five years for quarrying stones.

4. According to him, there was no activity in the land in question as his request for measuring and marking the land in question had not been addressed. At that juncture there was a move on the part of the respondents to auction a portion of the land in question even during the tenure of the petitioner's lease.



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5. According to the petitioner, he had been requesting R3 to survey and demarcate the lands leased out to him and hold a tender auction process for the land in S.No.56/1(part C) thereafter, as he believed that there was some overlap between the lands leased out to him and those proposed to be auctioned.

6. Hence, he approached this Court in W.P.No.3727 of 2010 seeking a mandamus directing R3 and R4 to identify and demarcate the leased land pursuant to his representation. The said Writ Petition was dismissed on 23.02.2010 granting the petitioner liberty to make a proper representation.

7. This led to a subsequent round of litigation in W.P.No.4128 of 2013, which was disposed on 26.04.2014 wherein this Court recorded the submissions of the respondents that they would survey the quarry site/land in question within a fixed time frame. The needful was done thereafter and the petitioner commenced quarrying operations.

8. While so, the period of lease was drawing to an end and the petitioner sought extension of five years which came to be rejected vide order dated 24.06.2020. An appeal was preferred on 21.07.2020 under Rule 36-C(2) of the Tamil Nadu Minor Mineral Concession Rules, 1959, which came to be dismissed on 15.12.2021 confirming the order of R3, as



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against which, a second appeal has been filed on 04.01.2022 before R1,
which is yet pending.

9. Mr.Singh would accede to the position that the appeal is pending. He states that on 27.07.2022, a report was sought for from the authority and would assure the Court as well as the petitioner that notice will be issued to the petitioner and the needful be done within a period of twelve (12) weeks. This is recorded.

10. Mandamus is thus issued to R1 to hear the petitioner and dispose the appeal filed on 04.01.2022 in accordance with law and all applicable rules and regulations, within a period of twelve (12) weeks from date of receipt of a copy of this order.

11. This Writ Petition is disposed as above. No costs.

04.06.2024

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Index:Yes/No

Speaking order:Yes

Neutral Citation:Yes

To

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