



W.A.(MD).No.2583 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.A.(MD).No.2583 of 2024
and
C.M.P.(MD).No.18154 of 2024

1.The District Collector,
Theni District.

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

... Appellants/Respondents 1 & 2

Vs.

1.G.Jeyaraj

... 1st Respondent/Writ Petitioner

2.L.Malaisamy

3.R.Marisamy

...2nd & 3rd Respondents/3rd & 4th Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 30.08.2023 made in W.P.(MD).No.5317 of 2021 and to allow this Writ Appeal.

For Appellants : Mr.S.R.A.Ramachandran
Additional Government Pleader



For R-1 : Mr.R.Murali
For R-2 & R-3 : No appearance

JUDGMENT

(Judgment of the Court was made by M.S.RAMESH,J.)

The present Writ Appeal has been filed challenging the order of the learned Single Judge in W.P.(MD).No.5317 of 2021 dated 30.08.2023.

2. The first respondent herein was granted with a lease to quarry wind sand for a period of three years through proceedings of the first appellant dated 19.01.2016. During the course of the lease period, there appears to have been some objections raised by the local villagers and a Public Interest Litigation was also filed in W.P.(MD).No.12940 of 2017, by which, a Coordinate Bench of this Court had granted an order of interim injunction, restraining the respondents therein from continuing with the quarrying operations. Thereafter, the Writ Petition came to be disposed of predominantly on the ground that the first respondent herein had not violated the lease conditions and he was also permitted to continue quarrying in accordance with the lease conditions, through an order dated 08.10.2018.



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3. Since the first respondent herein could not fully utilize the three years lease period for quarrying in view of the interim orders granted by this Court, he had sought for quarrying for the unutilized period of 448 days, which came to be rejected on 18.02.2021. When the first respondent had challenged the said order before the Writ Court in W.P.(MD).No.5317 of 2021, the same was allowed with a direction to the appellants herein to grant license to the first respondent herein for a period of 448 days for quarrying. This order is assailed in this intra-Court appeal.

4. It is not in dispute that the first respondent could not fully utilize the three years lease period in view of the interim orders passed by this Court. It is also not in dispute that the first respondent herein had not violated any of the lease conditions. As a matter of fact, only on the ground that the first respondent had not violated the lease conditions, the earlier Public Interest Litigation preferred against him in W.P.(MD).No.12940 of 2017 also came to be disposed of. While that being so, we fail to understand as to how the appellants can reject a reasonable request made by the first respondent, which he would be otherwise entitled to.



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5. The only ground canvassed by the learned Additional Government Pleader in the present Writ Appeal is that there is no provision under the Tamil Nadu Minor Mineral Concession Rules, 1959, for permitting quarrying operations for the unutilized period of lease. The Writ Court, in exercise of its powers under Article 226 of the Constitution of India, had taken note of the background under which the first respondent could not utilize the entire lease period and therefore, directed the appellants to permit him to quarry for the remaining 448 days. We do not find any illegality in such findings.

6. Accordingly, the Writ Appeal stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(M.S.R.,J.) (A.D.M.C.,J.)
18.12.2024

NCC : Yes / No
Index : Yes / No
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