



W.P(MD)No.1885 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.02.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition(MD)No.1885 of 2024

Mohammed Sheriff

... Petitioner

-Vs-

1.The District Collector,
Kanyakumari District,
Kanyakumari.

2.The Assistant Director,
Department of Geology and Mining,
Collectorate,
Kanyakumari District.

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus to direct the 1st respondent to permit the petitioner to conduct stone quarrying operation in Petitioner's Patta land in S.F.No.866/1 over an extent of 1.47.50 Ha in Mecode Village at Kalkulam Taluk (now Thiruvattaru Taluk) in Kanyakumari District for the unquarried quantity of 22,155 cbm as per the proceedings bearing No. 368/G and M/2008 dated 02.05.2023 issued by the 1st respondent and consequently, direct the 2nd respondent to issue transport permit to the petitioner for the said quantity.



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For Petitioner : Mr.M.Gnana Guru Nathan
For Respondents : Mrs.K.Christy Thebaral
Addl. Govt. Pleader

ORDER

This writ petition is filed seeking for issuance of a Writ of Mandamus to direct the 1st respondent to permit the petitioner to conduct stone quarrying operation in Petitioner's Patta land in S.F.No.866/1 over an extent of 1.47.50 Ha in Mecode Village at Kalkulam Taluk (now Thiruvattaru Taluk) in Kanyakumari District for the unquarried quantity of 22,155 cbm as per the proceedings bearing No. 368/G and M/2008 dated 02.05.2023 issued by the 1st respondent and consequently, direct the 2nd respondent to issue transport permit to the petitioner for the said quantity.

2. Mrs.K.Christy Thebaral, learned Additional Government Pleader takes notice for the respondents. By consent, this writ petition is taken up for final disposal at the admission stage itself.



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3. The case of the petitioner is that he was given lease of rough stone / jelly quarry in his patta land by proceedings dated 28.12.2014 for a period of five years as per Rule 19 and 20 of Tamil Nadu Minor Mineral Concession Rules, 1959. On the basis of the said proceedings of the first respondent, an agreement for quarrying was executed by the Government to the petitioner on 28.12.2014 and it expired on 27.12.2019. However, suddenly, the first respondent had temporarily stopped all the quarry operations in Kanyakumari District by notice dated 05.04.2019. Thereafter, the first respondent had lifted the temporary suspension of other quarry lease holders and permitted them to continue the quarry operation by proceedings dated 23.10.2020. Since the petitioner's quarry period came to an end before issuance of revocation order, he was not issued with any such order of revocation of suspension. Hence, he requested the first respondent that even though he was given 5 years lease from the year 2014 to 2019, he could not operate his quarry for the period of nearly 267 days due to the first respondent's order of temporary suspension of quarry operation. Since the same was not considered, he filed a writ petition in W.P(MD)No.9823 of 2021 and the same was allowed. Based on the said order, the first respondent had issued a proceedings dated 02.05.2023, wherein, it has been



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6. In view of the above, without going into the merits of the claim made by the petitioners in this Writ Petition, the respondents are directed to pass appropriate orders on the representation of the petitioner, dated 12.01.2024, on merits and in accordance with law, after giving notice to the interested parties, if any, within a period of six weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition stands disposed of. No costs.

07.02.2024

Index : Yes/No
Internet : Yes/No
skn

To

1.The District Collector,
Kanyakumari District,
Kanyakumari.

2.The Assistant Director,
Department of Geology and Mining,
Collectorate,
Kanyakumari District.



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V.BHAVANI SUBBAROYAN, J.

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