



W.A.(MD) No.378 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2024

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A.(MD) No.378 of 2018

S.Sannasi

... Appellant

-vs-

1.The District Collector
Collectorate
Thoothukudi District
Thoothukudi

2.The Assistant Director
Geology and Mining
Collectorate
Thoothukudi

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 29.01.2018, passed in W.P.(MD) No.1600 of 2018, on the file of this Court.

For Appellant : Mr.V.Rajiv Rufus

For Respondents : Mr.A.Kannan
Additional Government Pleader



W.A.(MD) No.378 of 2018

WEB COPY

J U D G M E N T

[Judgment of the Court was made by A.D.JAGADISH CHANDIRA, J.]

Challenging the order dated 29.01.2018 dismissing W.P.(MD) No. 1600 of 2018, filed by the appellant seeking a direction to the respondents to extend the licence, dated 09.06.2015 in R.O.C.G.M.1/612/2013, issued by the first respondent granting permission to take gravel / earth for further twelve months in the light of the order dated 29.04.2016, passed by this Court in W.P.(MD) No.6476 of 2016, the present writ appeal is filed.

2. The case of the appellant is that he was granted with licence vide proceedings dated 09.06.2015 for quarrying and transporting the gravel from Thuppasapatti Kanmoi in Keela Arasaradi Village, Ottapidaram Taluk, for eleven months. Since he had not acceded to the illegal demand from the Government officials, he was not permitted to continue with the quarrying activities and he was not allowed to quarry gravel in the said kanmoi and the officials also refused to issue trip sheet to the appellant for transporting the gravel from the said Kanmoi for the period from 12.08.2015 to 21.08.2015. Further, despite the payment of entire amount i.e. Rs.10,11,375/-, he was allowed to take gravel only to the value of Rs.1,45,000/- i.e. 1/9th portion. In such circumstances, the appellant approached this Court by filing W.P.(MD)



W.A.(MD) No.378 of 2018

WEB COPY No.6476 of 2016 seeking a direction to the respondents forbearing them from restraining him to take gravel till the completion of the licence period i.e. till 08.05.2016 and this Court, by order dated 29.04.2016, directed the respondents to issue trip sheet and other permissions to the appellant. Thereafter, the appellant had approached the second respondent on 02.05.2016 and first respondent on 27.06.2016 and had given a representation. However, the second respondent had refused to issue trip sheet, thereby, the appellant approached this Court by filing the above W.P. (MD) No.1600 of 2018.

3. The learned Single Judge, finding that the amount deposited by the appellant is lying with the Government and the appellant had given a representation to the first respondent on 27.06.2016 seeking to issue trip sheet, while dismissing the writ petition by the impugned order dated 29.01.2018, directed the respondents to settle the amount deposited by the appellant by issuing details of calculation. Learned Single Judge has also held that extension of licence cannot be granted after expiry of licence period and directed the authorities to conduct open auction in order to generate better revenue for the benefit of the State and so also in the interest of the general public. Further, the appellant was also granted liberty to participate in the



W.A.(MD) No.378 of 2018

fresh auction to be conducted by the authorities, if he is, otherwise, eligible.

Challenging the same, the present writ appeal.

4. Learned counsel for the appellant would submit that the appellant was not permitted to remove the gravel for the entire licence period, thereby he suffered huge loss.

5. The District Collector / first respondent has filed a detailed counter affidavit, wherein in Paragraph No.4, he has stated as follows:

“4.It is submitted that to comply with the direction of this Honourable Court, the 2nd Respondent inspected the leased site in Thuppasatti Kanmoi on 06.05.2016 along with one Thiru.Pandi, the son of the Appellant and the leased area was found submerged in the water collected during the rainy season. Hence, the 2nd Respondent sent a letter in Rc.No.GM1/612/2013 dated 06.05.2016 to the appellant on the unsuitable position to permit quarrying. Then, after a lapse of more than 1 ½ years the Appellant filed WP(MD) No.1600/2018 praying for a direction to the Respondents to extend the lease period for a further period of 12 months. This Honourable Court was pleased to dismiss this writ petition on 29.01.2018 directing eh Appellant to



WEB COPY

W.A.(MD) No.378 of 2018

participate in the fresh auction to be conducted to lease this area in future. Aggrieved by this order the present writ appeal has been preferred.”

6. Learned Additional Government Pleader appearing for the respondents, on instructions, submitted that the appellant was granted permission to quarry and remove 13,485 units (40,455 cubic metres) of earth for a period of eleven months, as one time measure, for the purpose of deepening the Kanmoi in order to enhance the water storing capacity. However, the appellant had removed excess gravel and therefore, a separate proceedings have been initiated against him for recovery of the amount in respect of the excess gravel removed.

7. Heard the learned counsel on either side and perused the materials available on record.

8. A perusal of the records shows that the appellant was originally issued with licence for quarrying and transportation of gravel in the year 2015. Now, we are in the year 2024. In the meantime, much water had flown. Directing for extension of lease after lapse of nine years would not serve the



W.A.(MD) No.378 of 2018

actual purpose. Therefore, the relief sought for by the appellant cannot be considered after this length of time. Hence, we do not find any infirmity in the impugned order passed by the learned Single Judge.

9. Accordingly, the writ appeal stands dismissed. No costs.

[A.D.J.C., J.]

[K.R.S., J.]

11.06.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

1.The District Collector,
Collectorate,
Thoothukudi District,
Thoothukudi.

2.The Assistant Director,
Geology and Mining,
Collectorate,
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