



W.P.(MD)No.23022 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **12.12.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.23022 of 2022

T.V.Rajendrakumar

... Petitioner

-Vs-

1.The District Collector,
Nagercoil,
Kanyakumari District.

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

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to permit the petitioner to conduct Stone Quarrying Operation in the land comprised in S.F. No.189/1(P) at Mancode Village, Vilavancode Taluk, Kanyakumari District for an extent of 1.00.0 hectares, for an extended period 2 1/2 years, half of the lease period as per registered agreement dated 23.05.2017 in Doc. No.939 of 2017, Arumanai Sub Registrar Office, which includes 291 days the period of suspension of Quarrying Operation during the lease period and consequently direct the 2nd respondent to issue Transport Permit Pass to the petitioner for the said period.

For Petitioner : Mr.C.Kishore



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For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

This writ petition has been filed for directing the first respondent to permit the petitioner to conduct stone quarrying policy in the land comprised in S.F.No.189/1(P) at Mancode Village, Vilavancode Taluk, Kanyakumari District to an extent of 1.00.0 hectares, for an extended period 2 1/2 years, half of the lease period as per registered agreement dated 23.05.2017, which includes 291 days the period of suspension of quarrying operation.

2.This Court had already dealt with the similar issue and permitted to conduct quarrying operation for the non-operative period in W.P.(MD)No. 11874 of 2021 dated 19.07.2021. For better appreciation, the relevant portion is extracted hereunder:

“6.The learned Government Advocate would further point out that in a batch of writ petitions, this Court passed orders directing the authorities to grant extension of lease for the non-operative period, on account of suspension of the mining lease granted. He would further state that non-operation of the quarry by the petitioner is only on account of the suspension order passed by the first respondent and therefore, he would state that the issue is covered by the orders passed by this Court and therefore, the same order may be passed.



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7. I have heard the learned counsels appearing on either side and perused the materials available on record.

8.This Court is of the considered view that when the respondents have got power to grant permission to the petitioner to conduct stone quarrying operation over his land, for the non-operative period, on account of suspension of the mining lease granted in favour of the petitioner for no fault on him and therefore, the request made by the petitioner to conduct stone quarrying operation in his land for the non-operative period, is justifiable and therefore, this Court is of the considered view that the respondents ought to have considered the reasonable request of the petitioner, permitting him to conduct stone quarrying operation, on account of suspension of the mining lease granted in favour of him.

9. In fine, the Writ Petition is allowed and the 1st respondent is directed to permit the petitioner to conduct stone quarrying operation in his Patta land, for non-operative period, for which, the petitioner was not permitted to quarry during the lease period, as per the permission granted. Further, the 2nd respondent is directed to issue transport permit to the petitioner for the said period. No costs.”

3.In view of the above, the first respondent is directed to consider the request made by the petitioner in the light of the order passed by this Court as extracted above and pass orders within a period of six weeks from the date of receipt of a copy of this order.



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4. With the above direction, this writ petition stands disposed of. No costs.

12.12.2024

Index : Yes / No
NCC : Yes / No
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To

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



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G.K.ILANTHIRAIYAN, J.

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