



W.P(MD)No.29126 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 25.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.29126 of 2023

and

W.M.P(MD)No.25176 of 2023

- 1.NarayanaPerumalsamy
- 2.K.Saravanakumar
- 3.G.Guruvammal
- 4.K.A.Rajagopal
- 5.S.Ragupathy
- 6.M.Mageswari
- 7.C.Selvaraj Pandi
- 8.M/s.Ranjith Blue Metals,
Represented by its Proprietor,
Deivam,
322, Nehru Salai,
Sivakasi,
Virudhunagar District.
- 9.N.Muthukumarasamy
- 10.S.Theivapandi



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11.E.Gnanaraj

12.P.Sanmugaraj

13.S.Vihayaraghavan

14.K.Vanaja

15.V.Murugaiyan

16.G.Murugan

17.S.Shanmugavel

... Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu,
Natural Resources Department,
Secretariat,
Chennai – 9.

2.The Commissioner of Geology and Mining,
Thiru.Vi.Ka Industrial Estate,
Guindy,
Chennai – 32.

3.The District Collector,
Virudhunagar.

4.The Deputy Director of Geology and Mining,
Office of the District Collector,
Collectorate,
Virudhunagar District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the fourth respondent herein to issue transport permits on the basis of the order of the second respondent to extending the lease period forthwith to the petitioner within the time stipulated by this Court.

For Petitioner : Mr.M.Sricharan Rengarajan
Senior Counsel
for Mr.C.Jeganathan

For Respondents : Mr.Veera.Kathiravan
Additional Advocate General
Assisted by Mr.M.Lingadurai
Special Government Pleader

ORDER

Heard the learned Senior Counsel appearing for the writ petitioners and the learned Additional Advocate General assisted by the learned Special Government Pleader appearing for the respondents.

2.The writ petitioners herein were granted individual leases to quarry minor minerals for a period of 5 years. The case of the petitioners is that during Covid pandemic period, they could not carry on their



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quarrying operations. They moved the District Collector, Virudhunagar for extension of the lease period. The requests for extension were rejected. Challenging the same, the petitioners filed appeals before the Commissioner of Geology and Mining, Guindy, Chennai. The appeals were allowed. The petitioners grievance is that even though their appeals have been allowed and supplementary lease deeds have been executed, the fourth respondent herein is not issuing the transport permits. Hence this writ petition came to be filed.

3. The learned counsel appearing for the petitioners reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

4. The fourth respondent against whom relief is sought has filed counter affidavit and the learned Additional Advocate General took me through their contents. The argument of the learned Additional Advocate General is two fold. His first contention is that the petitioners have no right to seek extension of the lease period and that the appeals were improperly allowed by the Commissioner of Geology and Mining. When



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the illegality was noted, the District Collector, Virudhunagar had preferred revision petitions before the Government. The Government is now seized of the matter.

5.The learned Additional Advocate General attempted to demonstrate as to how the appellate authority's orders are bad in law. He pointed out that in some cases, the appeals were allowed on the very day of filing and in most cases they were allowed on the next day. The District Collector, Virudhunagar was not even heard before the appeals were allowed. The stand of the learned Additional Advocate General is that persons who have obtained such erroneous orders ought not to be granted any relief by this Court in exercise of discretionary jurisdiction under Article 226 of Constitution of India.

6.The learned Additional Advocate General further stated that contrary to their claims, the petitioners had very much operated their quarries even during the Covid pandemic period. He pressed for dismissal of the writ petition.



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7.I carefully considered the rival contentions and went through the materials on record.

8.I make it clear at the very outset that I do not want to go into the disputed questions of fact. It is beyond dispute that the Commissioner of Geology and Mining, Guindy, Chennai had allowed the writ petitioners' appeals. Supplementary lease deeds had been entered. It may not be open to the fourth respondent herein who is a subordinate authority to call names. In fact, when the writ petition was listed for admission on 15.12.2023, it was adjourned to 22.12.2023. The orders on which the petitioners are placing reliance were passed in the months of February, March, April and May 2023. It is not as if the Government did not have time to revise and set aside the orders passed by the Commissioner of Geology and Mining. So long as the orders have not been stayed or set aside, they will have to be implemented.

9.However, taking note of the contentions advanced by the learned Additional Advocate General, I direct the fourth respondent herein to issue transport permits to the petitioners herein based on the order passed



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by the second respondent if within a period of four weeks from today.

The orders of the second respondent have not been stayed or set aside.

10.This writ petition is allowed on these terms. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

25.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

Note: Issue order copy on 27.03.2024.

To

1.The Secretary to Government of Tamil Nadu,
Natural Resources Department,
Secretariat,
Chennai – 9.

2.The Commissioner of Geology and Mining,
Thiru.Vi.Ka Industrial Estate,
Guindy,
Chennai – 32.

3.The District Collector,
Virudhunagar.

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G.R.SWAMINATHAN, J.

MGA

4.The Deputy Director of Geology and Mining,
Office of the District Collector,
Collectorate,
Virudhunagar District.

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