



W.P.No.14801 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.14801 of 2024
and
W.M.P.Nos.16036 & 16038 of 2024

K.Ganesh

... Petitioner

Vs.

1.The Commissioner of Geology and Mining,
Guindy,
Chennai – 600 032.

2.The District Collector,
Namakkal District,
Namakkal.

3.The Assistant Director,
Geology and Mining,
Namakkal District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned proceedings of the 3rd respondent in Rc.No.886/Mines/2022 dated 14.03.2024 rejecting the petitioner's application seeking for issuance of transport permit and to quash the same with consequential direction directing the respondents to issue bulk transport permit till the transportation of rough stone for the



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quantity of 25,722 Cu.m out of total quantity of 32,322 Cu.m and for the quantity of 4520 Cu.m of gravel is completed or the period of lease of two years i.e., on 19.04.2025, whichever is earlier, for transporting rough stone from the petitioner's land situate in Periyamanali Village, Tiruchengode Taluk, Namakkal District, comprised in Survey No.179/1 as per the supplementary lease deed dated 20.04.2023.

For Petitioner : Mr.Srinath Sridevan
Senior Counsel
for M/s.S.Senthil

For Respondents : Mr.Stalin Abhimanyu
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned proceedings of the 3rd respondent in Rc.No.886/Mines/2022 dated 14.03.2024 rejecting the petitioner's application seeking for issuance of transport permit and to quash the same with consequential direction, directing the respondents to issue bulk transport permit till the transportation of rough stone for the quantity of 25,722 Cu.m out of total quantity of 32,322 Cu.m and for the quantity of 4520 Cu.m of gravel is completed or the period of lease of two years i.e., on 19.04.2025, whichever is earlier, for transporting rough stone from the petitioner's



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land situated in Periyamanali Village, Tiruchengode Taluk, Namakkal District, comprised in Survey No.179/1 as per the supplementary lease deed dated 20.04.2023.

2. The case of the petitioner is that he had entered a valid lease agreement for quarrying rough stone and gravel in his patta land for a period of five years from 30.08.2017 till 29.08.2022. In view of the Covid-19 pandemic situation, the petitioner was not able to operate the quarry for a period of two years. In view of the non-operation of the quarry for the said period, the production quantity of 32,322 Cu.m of rough stone and 4520 Cu.m of gravel out of the approved quantity as per mining plan could not be unearthed, thereby, he made a representation dated 09.06.2022 before the respondents seeking of extension of lease for a further period of two years from 30.08.2022 to 29.08.2024 and subsequently, the lease period was extended by the 3rd respondent. Thereafter, the petitioner had applied for transport permit before the 3rd respondent. The 3rd respondent, vide impugned order, dated 14.03.2024, rejected the said application on the ground that the petitioner has not exercised the re-appraisal of Environmental Clearance issued by DEIAA to SEIAA as per order of the NGT in OA No.142 of 2022 and



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communication of MoEF & CC dated 28.04.2023. Challenging the same, the petitioner has filed the present writ petition.

3. The learned Senior Counsel appearing for the petitioner submitted that as against the impugned order passed by the 3rd respondent, there is an effective appeal remedy available before the 2nd respondent u/s 36-C (1) of the Tamil Nadu Minor Mineral Concession Rules, 1959 within 30 days. Immediately, after the impugned order, the petitioner had filed an appeal before the 2nd respondent, however the said appeal was not pursued in view of the filing of the present writ petition before this Court. Hence, he submitted that this Court may grant liberty to the petitioner to approach the 2nd respondent for appropriate relief.

4. In view of the limited request sought by the petitioner, this Court, without interfering with the impugned order, grants liberty to the petitioner to file an appeal before the 2nd respondent u/s 36-C (10) of the Tamil Nadu Minor Mineral Concession Rules, 1959, within a period of two (2) weeks from the date of receipt of a copy of this order. Upon receipt of the same, the 2nd respondent is directed to dispose of the same, on merits and in accordance with law, within a period of four (4) weeks



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thereafter. The period pending before this Court is excluded for the purpose of limitation.

5. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

13.11.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
sp

To

- 1.The Commissioner of Geology and Mining,
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Chennai – 600 032.
- 2.The District Collector,
Namakkal District,
Namakkal.
- 3.The Assistant Director,
Geology and Mining,
Namakkal District.
- 4.The Tahsildar,
Omalur Taluk,
Salem District.



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M.DHANDAPANI, J.

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