



WEB COPY

WP No. 23668 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-06-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 23668 of 2023

1. S.Sathishkumar
S/o. Selvam

Petitioner(s)

Vs

1. The District Collector
Tiruvallur District.

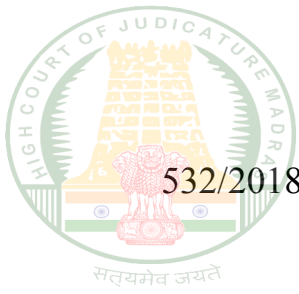
2.The Asst. Director Of Mines And
Minerals,
Tiruvallur District.

3.The Executive Engineer,
Water Resource Department,
Araniyaru Aquifer Zone,
Thiruvallur.

Respondent(s)

PRAYER

Directing the 1st Respondent to permit the Petitioner to continue with the quarrying activity in a lake comprised in Survey No. 303, situated at Akkarapakkam Village, Uthukottai Taluk, Thiruvallur District as per the proceedings of the respondent dated 05.05.2023 in Na.Ka.No.



532/2018/Kanimam 2 for the remaining lease period of 48 days.

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For Petitioner(s) Mr.N.G.Prasanna
For Respondent(s): Mr.E.Vijay Anand
Additional Government Pleader

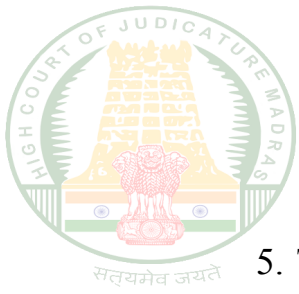
ORDER

This writ petition has been filed for the issue of writ of mandamus directing the 1st respondent to permit the petitioner to continue with the quarrying occupation in the subject property for the remaining lease period of 48 days.

2. The petitioner was granted permission for quarrying for a period of 55 days from 16.05.2023 to 09.07.2023 on collection of necessary seigniorage fee. However, the petitioner was able to carry on the quarry works for a period of seven days.

3. The specific case of the petitioner is that he did not commit any violation of the conditions and the petitioner was not able to continue with the quarry operations since the 3rd respondent did not permit him.

4. The petitioner made a representation in this regard and sought for the permission to quarry for the remaining lease period of 48 days. Since the same was not considered, the present writ petition has been filed before this Court.



5. The 1st respondent has filed a counter affidavit. The relevant portions are extracted hereunder,

“4. It is submitted that a permission for quarrying 29.925 Cbm of Ordinary earth has been granted in favour of Thiru S Sathish Kumar in WRD Tank S.F.No. 303(P) of Akkarapakkam village, Uthukottai Taluk. Tiruvallur District as per the District Collector, Tiruvallur Proceedings Rc. No. 532/2018/G&M-2 dated 05.05.2023 for a period of 55 days from 16.05.2023 to 09.07.2023 on collection of necessary seigniorage fee and other charges as per rule 12 (2-A) of Tamil Nadu Minor Mineral Concession Rules, 1959 subject to the certain conditions specified therein.

5. It is submitted that the Writ petitioner vide representation dt 18.5.2023 requesting for the issue of dispatch slips for the quantity of 9600 cbm of Ordinary Earth out of permitted quantity of 29,925 Cbm of Ordinary earth. In this regard, as requested by the petitioner bulk permit and despatch slips were issued to the Writ petitioner Thiru. S. Sathish Kumar on 18.5 2023 for quarrying 9600 cbm of Ordinary Earth in the subject tank for a validity upto 1.6.2023.

6. It is submitted that subsequently, the quarry lease holder Thiru. S. Sathish Kumar vide representation dated 5.7.2023 has informed that out of 55 days granted for quarrying ordinary earth he had quarried only 7 days and therefore he has requested to extend the un-quarried period for quarrying ordinary earth in the subject tank. But, the



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Writ petitioner did not come forward to furnish the despatch slips to the Assistant Director, Geology and Mining, Tiruvallur for obtaining bulk permit and transit pass for balance quantity of 20,325 cbm of Ordinary Earth. Further, the period of lease was also expired on 9.7.2023.

7. It is submitted that one among the conditions stipulated in the lease granting order issued by the District Collector, Tiruvallur in Rc.No. 532/2018/G&M-2 dated. 05.05.2023 is as follows:-

As per Rule 12 (2-A) (g) of Tamil Nadu Minor Mineral Concession Rules 1959, the period of permission should not be renewed or extended for any reason including that the person permitted could not mine or remove the mineral for whatever reason. He will not be entitled for refund of any cost or money incurred in the process. If the permitted quantity is not removed within the stipulated period, the applicant will not be entitled for removal of unutilized quantity of mineral."

8. It is submitted that the lease granting order, stipulates validity from 16.05.2023 to 09.07.2023 and the lease deed executed also contains that specific class. Therefore, in terms of District Collector's granting order vide proceedings dated 05.05.2023 and execution of lease deed which is binding between the lessee and lessor, the petitioner does not have any statutory right to claim the non operated period as per Rule 12 (2-A) (g) of Tamil Nadu Minor Mineral



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Concession Rules, 1959 and therefore the prayer of the petitioner could not be considered beyond the period permitted in the original granting order issued by the District Collector, Tiruvallur vide Proceedings Rc. No.532/2018/G&M-2 dated. 05.05.2023 in favour of Thiru. S. Sathish Kumar.”

6. Heard Mr.N.G.Prasanna, learned counsel for the petitioner and Mr.E.Vijay Anand, learned Additional Government Pleader for the respondents.

7. The short issue that arises for consideration is whether the petitioner has a legal right to seek an extension of the permit to continue the quarrying activities for 48 days.

8. As stated in the counter, Rule 12 (2-A)(g) of the Tamil Nadu Minor Mineral Concession Rules, 1959, bars the renewal or extension of the period for any reason including that the person permitted could not mine or remove the mineral for whatever reason. In the light of this legal bar, the petitioner cannot claim a legal right to continue with the quarrying operation for the remaining period of 48 days. This is more so, since the writ petition was filed in the year 2023 and it came up for hearing after two years.

9. In view of the above, if the petitioner has incurred any loss, since he was not permitted/allowed to do quarry operations for the entire period, the petitioner can claim for compensation against the respondents. Except giving



this liberty, no further orders can be passed in this writ petition.

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10. Accordingly, the writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

18-06-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To
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Tiruvallur District.

2.The Asst. Director Of Mines And
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Tiruvallur District.

3.The Executive Engineer,
Water Resource Department, Araniyar
Acquifer Zone, Thiruvallur.



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N.ANAND VENKATESH J.

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