



WEB COPY



W.P.No.30928 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2025

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30928 of 2025

and

W.M.P.Nos.34635, 34637 & 34641 of 2025

G.Ganesan
... Petitioner

Vs

1.Government of Tamil Nadu,
Rep by Additional Chief Secretary to Government,
Natural Resouces Department,
Secretariat, Chennai-600 032.

2.The Commissioner of Geology and Mining,
Guindy, Chennai-600 032.

3.The District Collector,
Krishnagiri District,
Krishnagiri.

4.The Deputy Director,
Department of Geology and Mining,
Collectorate, Krishnagiri.
Respondents

...

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned G.O.(D).No.91, National Resources (MMC.1) Department dated 22.08.2024 passed by 1st respondent confirming the order passed by 2nd respondent in his



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R.No.3297/MM1/2020 dated 15.12.2021 and order passed by 3rd respondent in his roc.No.721/2019/Mines dated 24.06.2020 and quash the same and to issue consequential directions to the respondents to grant extension of lease period for further period of 5 years in respect of S.GF.No.56/1 (Part-D) at Kothapettah Village, Krishnagiri Taluk and District.

For Petitioners : Mr.R.Thamaraiselvan

For Respondents : Mr.E.Vijay Anand,
Additional Government Pleader

ORDER

Challenging the order passed by the State rejecting the request of the petitioner for extension of quarry lease already granted to him for a period of five years.

2. The petitioner has admittedly been granted quarry lease on 27.10.2009 in respect of S.No.56/1, (Part D) of Kothapetta Village, Krishnagiri Taluk to an extent of 2.54.0 hectares for a period of five years under Rule 8(1) of the Tamil Nadu Minor Mineral Concession Rules, 1959 (in short 'Rules'). Thereafter, on account of delay in demarcating the land, the commencement of lease was rescheduled with effect from 14.05.2015 for a period of five years which has come to an end on 13.05.2020.

3. After the expiry of the lease, the petitioner has sought for



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extension of the said lease for a further period of five years, which was rejected by the District Collector, Krishnagiri, aggrieved with which, the petitioner has filed an appeal before the State, which confirmed the decision of the District Collector. Hence, the present Writ Petition.

4. Learned counsel for the petitioner submits that though the lease agreement has expired, a new rule requiring environmental clearance was introduced and hence the request of petitioner for extension of lease be granted. Further, the submits that the impugned order does not take into account the reasons cited for such extension in the written submission filed by the petitioner and mechanically passed the impugned order. Further, the grievance of the petitioner is that since the area demarcated to him is a virgin area, he had invested huge sums of money for the area making fit for quarry operation and could not derive any profit out of the same. Hence, the petitioner be granted extension of further five years.

5. Per contra, learned Additional Government Pleader for the respondents submits that period of lease is a well settled one and accepted by both the petitioner and the respondents and at no point of time, it was not agreed to extend the period of lease beyond the original lease period. Relying on Rule 8(8)(ii) of the Rules, he submits that once the lease expires, no extension of the period of lease shall be made. He further



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relies on the Krishnagiri District Gazette (Extraordinary) No.24 dated 08.07.2009 and submits that in the condition for obtaining quarry lease in condition 4(b), it is clearly mentioned that at any cost the lease period could not be extended, which the petitioner knows very well.

6. He also relies upon a decision of this Court dated 07.02.2025 passed in W.P.No.4083 of 2025, wherein, this Court while considering the identical issue involved in the present Writ Petition held that the lease period shall not be extended in the absence of any explicit provision contained in the Rule. Hence, the impugned order be sustained and this Writ Petition dismissed.

7. Heard the learned counsel on both side and perused the materials placed before me.

8. It is not in dispute that the petitioner has been granted lease for a period of five years and the lease agreement does not contain any clause for extension. The right of extension of lease should flow from the statutory provisions or on the terms of lease agreement executed between the parties. However, neither of the same contain any clause for extension. Further, judicial intervention cannot give a window to extend the lease by ignoring the statutory provision especially when the terms of lease do not provide for any such consequence.



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9. Further this Court has considered an identical issue in W.P.No.4083 of 2025 and held that the lessee is not entitled to an extension of lease when Rule 8 explicitly contains a negative covenant stating that the lease period shall not be extended under any circumstances. The relevant portion of the judgment reads as follows:

“5.As rightly contended by the learned Additional Government Pleader appearing on behalf of the respondents, the issue is no longer res integra and has already been decided by this Court in W.P.No.31334 of 2018 etc, wherein it was held that the lessee is not entitled to an extension of the lease period. More specifically, Rule 8 explicitly contains a negative covenant, stating that the lease period shall not be extended under any circumstances. Therefore, this Court cannot direct the respondents to consider the representation in that regard.

6.In view thereof, finding no merits, this Writ Petition stands dismissed. This order will not preclude the petitioner in any manner from participating in any fresh lease that may be advertised by the respondents. Consequently, connected miscellaneous petition is also closed. No Costs.”

10. In light of the above, this Court finds no merit in this Writ Petition and the same is dismissed. No costs. Connected Miscellaneous Petitions are also dismissed.

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Index : Yes / No

Speaking Order / Non-speaking order

Neutral Citation Case : Yes / No

Nhs



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To

1.The Additional Chief Secretary to Government,
Government of Tamil Nadu,
Natural Resouces Department,
Secretariat, Chennai-600 032.

2.The Commissioner of Geology and Mining,
Guindy, Chennai-600 032.

3.The District Collector,
Krishnagiri District,
Krishnagiri.

4.The Deputy Director,
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This petition has been listed under the caption “For being Mentioned” at the instance of Registry.

2. Heard the learned counsel appearing on either side.

3. When the matter is taken up, it is brought to the notice of this Court that, a typographical error has crept in the order dated 09.09.2025 in the cause title, wherein, the pin code of the 1st respondent department has inadvertently been typed as “600032” instead of “600009” and therefore, it is prayed that necessary corrections may be made in the said portion of the order. Similarly, an error has occurred in the prayer portion and hence, the prayer in the aforesaid order shall stand replaced as under:-

“Prayer : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned G.O.(D)No.91, National Resources (MMC.1) Department dated 22.08.2024 passed by 1st respondent confirming the order passed by 2nd respondent in his Rc.No.3297/MM1/2020 dated 15.12.2021 and order passed by 3rd respondent in his Roc.No.721/2019/Mines dated 24.06.2020 and Quash the same and to issue consequential directions to the respondents to grant extension of lease period for further period of 5 years in respect of S.F.No.56/1 (Part-D) at Kothapettah Village, Krishnagiri Taluk and District.”

4 Registry is directed to make necessary corrections in the aforesaid order and issue fresh order copy to the parties.

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