



W.P(MD)No.6743 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2025

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CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No. 6743 of 2024

M.S. Sreema

... Petitioner

vs.

1. The District Collector,
Kanyakumar District.

2. The Assistant Director of Geology and Mines,
Mines and Minerals Department,
Office of the District Collectorate,
Nagercoil, Kanyakumari District.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a *Writ of Mandamus*, directing the 1st respondent to permit the petitioner to conduct stone quarrying operation in Petitioner's Patta land in S.F.No.411/6B, extent of 1.32.0 hectares in Villukuri Village, Kalkulam Taluk, Kanyakumari District for a period of 291 days (non-operative period).

For Petitioner : Mr.K.Balaji

For Respondents : Mr.R.Ragavendran,
Government Advocate for

ORDER

The present Writ Petition has been filed for the issuance of a *Writ of Mandamus*, directing the 1st respondent to permit the petitioner to conduct stone

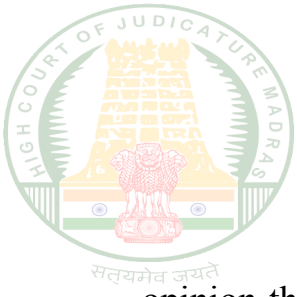


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quarrying operation in Petitioner's Patta land in S.F.No.411/6B, extent of 1.32.0 hectares in Villukuri Village, Kalkulam Taluk, Kanyakumari District for a period of 291 days (non-operative period).

2. It is seen from the records that the petitioner was granted a license to conduct quarry operations in Patta land S.F. No. 411/6B for a period of five years, which was set to lapse on 21.01.2020. However, during the validity of the license, the 1st respondent, the District Collector, issued a direction to stop all quarry operations from 05.04.2019 to 21.01.2020. As a result, the petitioner was unable to carry out quarrying activities during this period. Consequently, the license period expired on 21.01.2020 without the petitioner being able to utilize it fully. The petitioner contends that the respondents failed to permit quarry operations for the said period, thereby causing a loss of 291 days. Therefore, the petitioner is seeking a writ of Mandamus directing the respondents to grant an extension of the quarry license equivalent to the non-operational period from 05.04.2019 to 21.01.2020, totaling 291 days.

3. The contention of the respondents is that even though the petitioner is seeking for non-operative period in any case, a quarry license cannot be extended once the license period has expired.



4. After hearing the rival submissions, this Court is of the considered opinion that when a quarrying license is granted and its enforcement is restricted in a manner that affects the rights of the license holder, the license holder is entitled to adequate compensation. Therefore, this Court is inclined to entertain this writ petition and grant relief by way of extension of the license for a period of 291 days alone. The same issue was considered by a learned Single Judge of this Court in order dated 23.08.2022 in W.P.(MD) No. 17181 of 2022. The relevant paragraph No. 5 is extracted hereunder:

.....

“5.From this modification in the language of the validity clause, one can safely infer that the clause in the writ petitioner's certificate will have to be given a purposive construction. The period of five years cannot be mechanically counted from the date of issuance of certificate. The object and purpose of the certificate was that the certificate should be valid for a maximum period of five years. It should also be coterminous with the mining lease period. Mining leases are given even for a period of ten years or more. The environmental clearance certificate was not meant to run beyond five years. That is why, in order to restrict the validity period to five years, the expression “whichever is earlier” is found. In this case, the petitioner's mining operation came to a standstill sometime in 2019. He was not able to enjoy the fruits of his licence. That is why, for the non-operative period, the corresponding extension was given. The authority cannot



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take advantage of his own wrong. The first respondent had stipulated that the petitioner must obtain environmental clearance certificate. If the quarry operations of the petitioner had not been stopped, things would have run their normal course. If the quarry operations had been conducted in terms of the mining lease, then, the life of the clearance certificate would be five years from the date of issue. Since on account of the action taken by the first respondent, there was interruption of the quarrying operations, it should be deemed that the non-operative period should not be counted. It would be a different matter altogether if the stoppage was on account of any illegality or irregularity committed by the petitioner. That is clearly not the case. Therefore, the environmental clearance certificate will be coterminous with the mining lease period. In order to clear the ambiguity, the third respondent had now restricted the mining lease period to five years from the date of execution of the lease deed. I therefore hold that the petitioner need not apply afresh to the third respondent. The environmental clearance certificate issued on 13.10.2015 in favour of the writ petitioner will hold good till for the period covered by the proceedings dated 07.06.2021 r/w. the proceedings dated 07.11.2021. The impugned order is interfered with to this limited extent. The second respondent is directed to issue transport permits to the petitioner for the said period. ”



5. The same issue was considered by the another learned Single

Judge of this Court in order dated **09.11.2020 in W.P(MD)Nos.9133 and 9137 of**

2020. The relevant paragraph Nos.16, 17 & 18 are extracted hereunder:

.....

“16.After giving due consideration to the submissions made by the learned Senior Counsel for the petitioner as well as to the authorities and orders referred to above, this Court is of the considered view that the respondent has got power to grant permission to the respective petitioners to conduct stone quarrying operation over their respective lands for a period of two years and ten months, which is the non-operative period on account of suspension of the mining lease granted in favour of the respective petitioners for no fault on them. It is also clear from the aforementioned authorities that Rule 8(8)(ii) of the Tamil Nadu Minor Mineral Concession Rules, 1959, does not bar the respondent from granting permission to the respective petitioners for conducting mining operation over their respective lands for the nonoperative period on account of suspension of the lease for no fault on the part of the respective petitioners.

17.This Court has also perused and examined the impugned order, dated 10.07.2020 passed by the respondent rejecting the request made by the respective petitioners to conduct stone quarrying operation in their respective lands for the non-operative period. The respondent under the impugned order has erroneously come to the conclusion that



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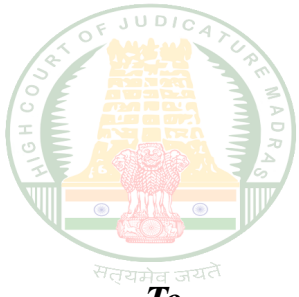
Rule 8(8)(ii) of the Tamil Nadu Minor Mineral Concession Rules, 1959, gets attracted for the petitioners' case and hence he does not have power to grant extension during the nonoperative period. This Court, therefore, holds that the impugned order is arbitrary, illegal and not passed in accordance with law.

18. For the foregoing reasons, the impugned order, dated 10.07.2020 passed by the respondent is hereby quashed and the respondent is directed to pass an order permitting the respective petitioners to conduct stone quarrying operation over their respective lands at S.F.Nos. 801 and 802, Padmanabhamandalam Village, Srivaikundam Taluk, Thoothukudi District, for a period of two years and ten months, within a period of two weeks from the date of receipt of a copy of this order.”

6. Accordingly, this Writ petition is allowed. The respondents are directed to grant permission to the petitioner to conduct quarry operation for a period of 291 days alone. The same shall be granted within a period of two weeks from the date of receipt of a copy of the order. No Costs.

26.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To
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1. The District Collector,
Kanyakumar District.
2. The Assistant Director of Geology and Mines,
Mines and Minerals Department,
Office of the District Collectorate,
Nagercoil, Kanyakumari District.



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S.SRIMATHY, J.

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**ORDER MADE IN
W.P(MD)No.6743 of 2024**

DATED :26.06.2025