



W.P(MD)No.6953 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.6953 of 2025
and
W.M.P(MD)Nos.5234 and 5237 of 2025

K.Vijaya

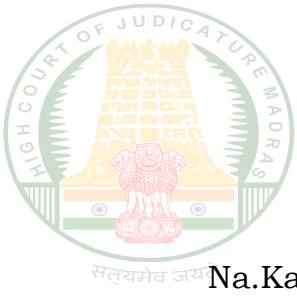
..Petitioner

Vs

- 1.The District Collector,
Tuticorin District,
Tuticorin.
- 2.The Revenue Divisional Officer,
Tuticorin District,
Tuticorin.
- 3.The Assistant Director,
Mines and Geology Department,
Tuticorin District.
- 4.The Thasildhar,
Srivaikundam,
Tuticorin District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings of the 2nd respondent in Na.Ka.Aa.3/2585/2024 dated 19.12.2024 and the consequential impugned proceedings of the 3rd respondent in



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Na.Ka.G.M.1/621/2023 dated 28.01.2025 and quash the same as illegal and consequently direct the 3rd respondent to issue quarry permits enabling petitioner to continue the quarry operation within the period that may be stipulated by this Court.

For Petitioner : Mr.K.Govindarajan for
Mr.T.Palanisamy

For Respondents : Mr.M.Muthumanikkam
Govt. Advocate

ORDER

I heard Mr.K.Govindarajan representing Mr.T.Palanisamy and Mr.Muthumanikkam, learned Government Advocate for the respondents.

2. This writ petition is filed to quash the impugned proceedings of the second respondent in Na.Ka.Aa.3/2585/2024 dated 19.12.2024 and the consequential impugned proceedings of the third respondent in Na.Ka.G.M.1/621/2023 dated 28.01.2025, and to direct the third respondent to issue quarry permits enabling the petitioner to continue the quarry operation.



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3. The petitioner claims that she is the owner of the property measuring a total extent of 7.63 hectares comprised in S.Nos.81(P), 82, 83/1(P), 83/2(P), 84/2(P), 85/1(P), and 85/2(P) situated at Alandha Village, Srivaikundam Taluk, Tuticorin District. She moved before the first respondent for the grant of a stone quarry lease in and over the said property. She filed an application on 24.08.2023. After a detailed perusal of the application and after obtaining clearance from the State Level Impact Assessment Authority mandated by the Tamil Nadu Minor Minerals Concession Rules, 1959, the first respondent granted permission to the petitioner to quarry stone in the aforesaid property. The period of lease is from 24.07.2024 to 23.07.2034.

4. When the petitioner commenced the operation, certain individuals started creating pinpricks for the petitioner, and one Chelladurai filed a writ petition in W.P.(MD)No.2505 of 2025 seeking a direction to dispose of the representation made by him. This court, by an order dated 29.01.2025, directed the respondents to consider the representation made by him.

5. The day earlier, on 28.01.2025, the third respondent passed the impugned order stating that no transport permit would be issued to the petitioner. Challenging the same, the present writ petition.



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6. A counter affidavit has been filed by Mr.M.Muthumanikkam, learned Government Advocate, on 25.04.2025. In the counter affidavit, the fact that the lease had been granted is admitted. On such objection from the several persons objecting to the grant of the quarry lease, the third respondent has alleged that on account of law and order, it was decided to stop the issuance of transport permits to the petitioner.

7. Both the counsels reiterated the contentions raised in the affidavit and the counter affidavit.

8. I have gone through the records.

9. The fact that the lease has been granted after following the procedure, in favour of the petitioner, is not in dispute. The third respondent, on account of certain objections being raised by the third parties, has decided not to issue the transport permits. The maintenance of law and order is a duty of the State. On account of a few persons objecting to the granting of the licence, does not mean that the respondents should succumb to the pressure and prevent the petitioner from carrying on his business activity.



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10. The right to carry on trade, business, and profession is projected as the right under Part III of the Constitution of India. For the sake of the alleged objections that seem to have been raised by the third parties, the petitioner's business cannot be stopped. If any person is aggrieved by the grant of lease to the petitioner, their appropriate remedy is to challenge the same and not to take the law into their own hands and create a law and order situation. The law should lean in favour of a person complying with the law, rather than ones who have succumbed to the same and indulged in road blockades and other similar activities. It is unfortunate that the respondents have succumbed to the pressure and refused to grant the transport permit. As long as the petitioner's business complies with the requirements of the Tamil Nadu Minor and Mineral Concession Rules, 1959, and the regulations made therein and the terms of the lease entered into between the first respondent and the petitioner, he is legally entitled to a transport permit.

11. In the light of the above discussion, the impugned proceedings in Na.Ka.Aa.3/2585/2024 dated 19.12.2024 issued by the second respondent and the consequential impugned proceedings in Na.Ka.G.M.1/621/2023 dated 28.01.2025 issued by the third



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respondent are quashed. This writ petition is allowed. There shall be a direction to the respondents to issue the transport permits to the petitioner forthwith. No costs. Consequently, the connected W.M.P. (MD)Nos.5234 and 5237 of 2025 are dismissed as unnecessary.

28.04.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
skn

To

- 1.The District Collector,
Tuticorin District,
Tuticorin.
- 2.The Revenue Divisional Officer,
Tuticorin District,
Tuticorin.
- 3.The Assistant Director,
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V.LAKSHMINARAYANAN, J.

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