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W.P.No.912 of 2024,

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2026

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.912 of 2024
and
WMP.No.940 of 2024

Galaxy Enterprises,
Rep. by its Proprietor S.R. Kumar,
4B, Jeypore Terrace,
354, Avvai Shanmugam Salai,
Gopalapuram, Chennai-600 086

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by Secretary to Government,
Industries, Investment Promotion and Commerce (MMB.2) Department,
Fort St. George,
Chennai-600 009.

2. The Government of Tamil Nadu,
Rep. by Additional Chief Secretary to Government (FAC),
Natural Resources Department,
Fort. St. George,
Chennai - 600 009.

3. The Commissioner / Director of Geology and Mining,
Department of Geology and Mining, Guindy,
Chennai - 600 032.



W.P.No.912 of 2024,

4. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, call for the records of the 1st respondent relating to G.O.(D) No.54, Industries, Investment Promotion and Commerce (MMB.2) Department, dated 10.05.2023 quash the same and consequently direct the 2nd respondent to grant renewal of lease to the petitioner for quarrying granite from the land bearing S.F. No.46/2 admeasuring 1.57.50 Hectares in Nachanandal Village, Thiruvannamalai Taluk, Thiruvannamalai District formerly Thiruvannamalai Sambuvarayar District for a period of 20 years pursuant to the renewal application of the petitioner dated 26.11.2002.

For Petitioner : Mr.K.Muthukumarasamy

For Respondents : Mr.Stalin Abhimanyu, AGP
for R.1 to R.4.



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ORDER

This writ petition has been filed for the following relief:-

“call for the records of the 1st respondent relating to G.O.(D) No.54, Industries, Investment Promotion and Commerce (MMB.2) Department, dated 10.05.2023 quash the same and consequently direct the 2nd respondent to grant renewal of lease to the petitioner for quarrying granite from the land bearing S.F. No.46/2 admeasuring 1.57.50 Hectares in Nachanandal Village, Thiruvannamalai Taluk, Thiruvannamalai District formerly Thiruvannamalai Sambuvarayar District for a period of 20 years pursuant to the renewal application of the petitioner dated 26.11.2002”

2. The facts which led to the filing of the above Writ Petition have been set out herein below:-

3.The petitioner would submit that vide GO.Ms. No.608 dated 02.09.1989, the 3rd respondent District Collector had called for a tender for quarrying black granite from the poromboke land in S.No.46/2 measuring 1.57.50 hectares in Village Nachanandal Village, Thiruvannamalai Taluk, Thiruvannamalai District, formerly Thiruvannamalai Sambuvarayar



District for a period of 10 years. The petitioner had participated in the tender and as the bid quoted by him was the highest he was granted lease vide GO.Ms.No.75 dated 24.07.1990. Thereafter, the 3rd respondent had executed a lease deed on 17.09.1990 in favour of the petitioner for a period of 10 years commencing from 17.09.1990 to 16.09.2000.

4. While granting the lease. the Rule then prevalent was Rule 8(A) of the Tamilnadu Minor Mineral Concession Rules, 1959 (hereinafter referred to as the “Rules”). As per Rule 8(A) of the Rules, the date of commencing of the lease was the date on which the lease is executed. As per Rule 8A(11) of the Rules and clause 8(5) of the lease deed, the petitioner was entitled to a one time renewal of the lease at the end of the period of the lease for a period not exceeding the period of original lease. The condition imposed for the said renewal was that the lessee should pay 150% of the original lease amount while applying for the renewal. That apart, the renewal had to be made 12 months prior to the expiry of the original lease. As the original lease was to expire on 16.09.2000, the petitioner had made an application for renewal on 06.09.1999. The petitioner had also enclosed the demand draft for a sum of Rs. 4,51,500/- which was the necessary fees for the renewal of the lease.



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5. It is the further contention of the petitioner that based on the representation of the All India Granite Association, the Central Government had framed the Granite Conservation and Development Rules, 1999 (hereinafter referred to as the “New Rules”) which came into effect from 01.06.1999. As per these New Rules, Granite lease have to be granted for a minimum period of 20 years and a maximum period of 30 years and the same was renewable for a period not exceeding 20 years. The New Rules also contain a provision for the second renewal of a lease. Since the petitioner’s request for renewal of lease was not disposed of, he filed WP.No.5345/2001 seeking a Mandamus forbearing the respondents from anyway interfering with his right to continue quarrying till the disposal of his renewal application. In the said writ petition, an interim order maintaining the status quo was passed.

6. Meanwhile, the provisions of Rule 8A of the Rules was amended and therefore, the petitioner’s renewal application which was submitted on the request of the 3rd respondent was returned. Thereafter, the petitioner had made another application on 26.11.2002 for renewal of lease with all the necessary documents also enclosing a sum of Rs.1,50,000/- being the 50% of the lease amount.



7. Thereafter, on 20.12.2002, WP.No.5325 of 2001 was disposed of with a direction to the 1st respondent to consider and pass orders on the petitioner's renewal application within a period of 3 months. The petitioner had made another renewal application on 26.11.2002, as per the letter of the 3rd respondent dated 12.11.2022. However, the same was not considered and the petitioner was constrained to file WP.No.2371 of 2021. This Court by order dated 04.02.2021 directed the 1st respondent to consider and dispose of the renewal application dated 26.11.2002 within a period of 12 weeks. Pursuant to this order, the 1st respondent had conducted an enquiry and the petitioner had also participated in the enquiry and submitted a detailed explanation. However, despite the petitioner complying with the terms of the lease, his request for renewal of lease has been turned down by the impugned order passed by the 1st respondent in GO.(D).54 dated 10.05.2023. Challenging the same, the petitioner is before this Court.

8. Heard the learned counsel on either side and perused the records.

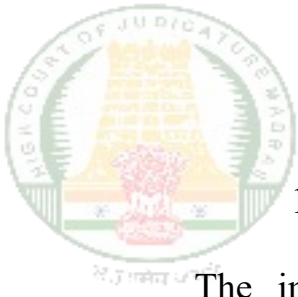
9. The records would show that the petitioner was granted the lease by GO.Ms.No.75 dated 24.07.1990. Thereafter, the petitioner as set out in the lease agreement had submitted an application for renewal of lease 12 months prior to the expiry of the lease by application dated 06.09.1999 with



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requisite charges. However, the petitioner's renewal application was not considered and the 3rd respondent had directed the petitioner to re-submit his renewal application as per the amended provisions of the Rule 8A of the Rules. Accordingly, the petitioner had send another renewal application on 26.11.2002. However, the 1st respondent, without appreciating the terms of the lease deed dated 17.09.1990 entered into between the petitioner and the 3rd respondent, and without considering the explanation given by the petitioner during the enquiry, had ultimately rejected the petitioner's renewal application by the impugned GO.(D).No.54 dated 10.05.2023.

10. It is seen that at the time when the petitioner made an application for renewal of the lease agreement, the old Rule 8(A) of the Rules was in force, which provides for a one-time renewal of the lease deed, and that the lease deed executed between the petitioner and the 3rd respondent contains a similar condition under Clause 8(5). Further, having received 200% of the lease amount from the petitioner for the renewal of the lease, the respondent cannot now refuse to renew the lease. Therefore, this Court is of the view that, in terms of Rule 8(A) of the Rules and Clause 8(5) of the lease deed, the petitioner is entitled to a one-time renewal of the lease deed.



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11. In view of the foregoing discussions, the Writ Petition is allowed.

The impugned G.O.(D) No.54 dated 10.05.2023, passed by the 1st respondent, is hereby set aside. The respondents are directed to renew the lease in favour of the petitioner in accordance with the terms of the lease deed and the revised rules. No costs. Consequently, the connected Miscellaneous Petition is closed.

06.01.2026

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

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