
(2011) 12 MAD CK 0006
In the Madras High Court
Case No : Writ Petition No. 17198 of 2011

M. Krishnan

APPELLANT

Vs

The Government of Tamil Nadu

RESPONDENT

Date of Decision : 13-12-2011

Acts Referred:

Citation : (2011) 12 MAD CK 0006

Hon'ble Judges : D. Hari Paranthaman, J

Bench : Single Bench

Advocate : S. Sadasharam, for the Appellant; Rm. MutthuKumar, GA, for the Respondent

Judgement

Honourable Mr.Justice D.Hari Paranthaman

1. The petitioner seeks for issuance of a writ of mandamus to direct the first respondent to grant quarrying lease to the petitioner to quarry the grey granite, transport and sell with necessary permits with respect to an extent of 1.13 hectares of land equivalent to 2.80 acres of land comprised in Survey Nos.168/1 (part), 169/1 (part) and 169/2 (part) of Puligunda Village, Krishnagiri Taluk and District.
2. The petitioner was granted lease for quarrying grey granite for an extent of 1.05.5 hectares in S.F.Nos.169/1 (part), 169/2 (part), 168/1 (part), 170 / (part), and 181/1 (part), of Puligunda Village, Krishnagiri Taluk and District, for a period of 10 years from 27.04.1995 to 26.04.2005, vide G.O.(2D) No.44, Industries (E2) Department, dated 06.03.1995.
3. After expiry of lease on 27.04.1995, the petitioner made an application dated 28.05.2007, for grant of quarrying lease to quarry grey granite to an extent of 1.13.0 hectares of patta lands in S.F.Nos.168/1 (part), 169/1 (part) and 169/2 (part) of Puligunda Village, Krishnagiri Taluk and District, for a period of 20 years. The said application dated 28.05.2007, has been forwarded by the third 3 respondent in his letter dated 14.01.2011, to the first respondent-Government

through the Commissioner of Geology and Mining, Chennai / second respondent herein, recommending for grant of quarry lease in favour of the petitioner for a period of 20 years. Since four years have lapsed and no orders were passed on his application, the petitioner has filed the present writ petition with the aforesaid prayer.

4. Since the petitioner was already granted lease to quarry in his own lands and after expiry, he made an application to grant lease for a period of 20 years, this Court directed to serve private notice on the respondents, when the writ petition came up for admission on 22.07.2011. After service, this Court directed the respondents to file counter affidavit.

5. Today, the third respondent filed a counter affidavit, wherein the third respondent has stated that he has sent a letter in Roc.No.662/2007 (Mines-1), dated 14.01.2001, to the first respondent-State, through the second respondent, recommending for grant of quarry lease in favour of the petitioner for a period of 20 years. It is also stated that when the second respondent sought for certain clarifications, those clarifications were also suitably answered by the third respondent, vide Roc.No.622/2007 (Mines-1), dated 01.06.2011. It is also further stated that the Deputy Director, Geology and Mining, Dharmapuri, sent his report dated 18.11.2011, to the second respondent, recommending for grant of quarry lease. The matter is now pending with the second respondent.

6. It is unfortunate that the matter is pending with the respondents for a period of four years, when the Government talks much about the liberalization of economy and to issue this type orders at the earliest.

7. In this case, the District Collector and the Deputy Director (Geology and Mining) recommended for grant of quarry lease in favour of the petitioner. The petitioner wants to quarry grey granite in his own lands, for which, he made an application seeking for grant of lease. It is also pertinent to note that the petitioner was already granted lease for a period of 10 years from 27.04.1995 to 26.04.2005, vide G.O.(2D) No.44, Industries (E2) Department, dated 06.03.1995.

8. Taking into account of all the aforesaid facts, I hereby direct the second respondent to forward the papers to the first respondent for passing necessary orders to grant lease in favour of the petitioner within a period of two weeks from the date of receipt of a copy of this order. The first respondent is directed to pass orders within a period of two weeks thereafter, based on the observations made above.

9. The writ petition is disposed of on the above terms. No Costs. M.P.No.1 of 2011 is closed.