
(2011) 02 MAD CK 0079

In the Madras High Court

Case No : Writ Petition No. 4508 of 2011

Sakthi Blue Metals

APPELLANT

Vs

The District Collector

RESPONDENT

Date of Decision : 28-02-2011

Acts Referred:

Constitution of India, 1950 — Article 226

Tamil Nadu Minor Mineral Concession Rules, 1959 — Rule 36(1A)

Citation : (2011) 02 MAD CK 0079

Hon'ble Judges : M. Jaichandren, J

Bench : Single Bench

Advocate : T. Muruga Manickam, for the Appellant; R. Thirugnanam, Special Government Pleader, for the Respondent

Final Decision : Dismissed

Judgement

M. Jaichandren, J.—Heard the learned Counsel appearing for the Petitioner and the learned Special Government Pleader appearing for the

Respondent.

2. This writ petition has been filed challenging the proceedings of the Respondent, dated 14.9.2009, rejecting the request of the Petitioner to grant

quarrying lease, to quarry blue metal, in S. No. 520/5B, Vadachithur Village, Pollachi Taluk, Coimbatore District.

3. According to the Petitioner firm, it had been granted quarrying lease, by an order, dated 12.12.2003, to quarry blue metal, for a period of five

years. On the expiry of the lease granted in favour of the Petitioner firm, an application, dated 2.2.2009, had been made to extend the lease for a

further period of five years. However, by the impugned order, dated 14.9.2009, the Respondent had refused to grant the permission on the ground

that a Samathuvapuram Colony had come up, within the distance of 270 metres from the quarry site. In such circumstances, the present writ

petition has been filed before this Court, under Article 226 of the Constitution of India.

4. The only contention of the learned Counsel appearing for the Petitioner is that the Samathuvapuram Colony had come into existence during the pendency of the previous lease period and any subsequent event, that had occurred, during the pendency of the lease period, cannot be put against the Petitioner, for refusing to grant the lease in its favour.

5. Per contra, the learned Special Government Pleader appearing for the Respondent had submitted that Rule 36(1-A)(a) of the Tamil Nadu

Minor Mineral Concession Rules, 1959, indicates that no lease shall be granted for quarrying stone, within 300 metres from any inhabited site.

Therefore, the Respondent had rightly rejected the request of the Petitioner firm for quarrying lease, in S. No. 520/5B, Vadachithur Village,

Pollachi Taluk, Coimbatore District, which is situated within 270 metres from the Samathuvapuram Colony established in the said area.

6. It is not in dispute that a Samathuvapuram is existing within 300 metres from the quarry site in question. Therefore, the Respondent had rightly

rejected the request of the Petitioner for the grant of quarry lease in favour of the Petitioner firm, following Rule 36(1-A)(a) of the Tamil Nadu

Minor Mineral Concession Rules, 1959. Further, the Petitioner had challenged the impugned order, dated 14.9.2009, belatedly, without showing

sufficient reasons for the delay. Therefore, this Court is not inclined to grant the reliefs, as prayed for in the writ petition. Hence, the writ petition

stands dismissed. No costs.