

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.04.2015

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No. 12409 of 2015

M/s. Kavitha Granite Corporation
rep. by Proprietor
R.P. Murugan

...Petitioner

Vs.

1. The State of Tamilnadu
rep. by its Secretary to Govt.,
Environment & Forest Department
Fort St. George
Chennai - 600 009.
2. The Chief Conservator of Forests,
Panagal Buildings
Saidapet, Chennai - 15.
3. The District Forest Officer
Harur Division
Harur.

...Respondents

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India to issue an order of Writ of Mandamus, directing the third respondent herein to grant permission to M/s. Kavitha Granites Corporation, for quarrying Black Granite over an extent of 35.8 Ha in Kavaramalai Reserve Forest in Morappur Range, Bommidi, for the period of 46 months and 11 days (in lieu of the period between 1.1.1975 to 11.11.1978), in pursuant to the representation dated 02.01.2015 and to pass further orders.

For petitioner : Mr.R. Selvakumar

For respondents : Mr.M.K. Subramaniam,
Special Government Pleader (Forests)

O R D E R

This writ petition has been filed seeking to issue a Writ of Mandamus, directing the third respondent to grant permission to M/s. Kavitha Granites Corporation, for quarrying Black Granite over an extent of 35.8 Ha in Kavaramalai Reserve Forest in Morappur Range, Bommidi, for the period of 46 months and 11 days (in lieu of the period between 1.1.1975 to 11.11.1978), pursuant to his representation dated 02.01.2015.

2. Learned counsel appearing for the petitioner would submit that the petitioner was granted quarrying license for quarrying black granite over an extent of 35.8 Ha in Kavaramalai Reserve Forest in Morappur Range, Bommidi for a period of 5 years from 12.11.1973 to 11.11.1978. During the quarrying operations, the then District Forest Officer, Dharmapuri suspended the operations seeking advance payment of seignirage charges on 31.12.1974, in total violation of rules and regulations. As a result, the license was suspended for the said period and the petitioner could not carry out the quarrying operations for the period of 46 months and 11 days, during the period commencing from 01.01.1975 to 11.11.1978. Adding further, he submitted that the petitioner is entitled to operate quarrying operations, for the in-operative period based on a Government order passed in similar circumstances, wherein extension of time for utilization was granted for 2½ years in favour of M/s. Vijayakumar Granite Industry during September 1972 to August 1977. Further, record shows that the petitioner had already filed two writ petitions, namely, W.P. No. 10352 of 1998 seeking a direction to the respondents, to consider and dispose of his representation dated 15.04.1995 and in W.P. No. 9153 of 2008 to consider another representation dated 24.02.2008. The order passed by this Court on 22.07.1998 in W.P. No. 10352 of 1998 shows that direction has been issued to the Government to consider his representation dated 15.04.1995 within a period of 12 weeks from the date of receipt of a copy of the order thereof. One another order in W.P. No. 9153 of 2008 dated 15.04.2008 has also been passed directing the Secretary, Environment and Forest Department, the first respondent, to consider the representation of the petitioner dated 24.02.2008 and pass orders on merits.

3. Mr. M.K. Subramaniam, learned Special Government Pleader (Forests) takes notice for the respondents. With the consent of both parties, the petition is taken up for disposal at the stage of admission itself.

4. When the similar prayer had already been considered, this Court is not inclined to pass any more orders in the present writ petition, for the simple reason that when the petitioner was not permitted to operate his quarry for the period from 01.01.1975

to 11.11.1978 due to suspension of his quarry license, it is not known why he did not pursue the matter, although the above said writ petitions have been filed effectively. That part, taking note of the long lapse of time, this Court finds no merit in the writ petition. Therefore, the reason cited by the petitioner that a G.O. (2D) No.1 Environment & Forest (FR/X) Department dated 10.01.1994 has been passed favouring the petitioner cannot be accepted, in view of long lapse of time.

5. In view of the above, the writ petition fails and the same is dismissed. There is no order as to costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

avr

To

1. The Secretary to Govt.,
Environment & Forest Department
Fort St. George
Chennai - 600 009.
2. The Chief Conservator of Forests,
Panagal Buildings
Saidapet, Chennai - 15.
3. The District Forest Officer
Harur Division
Harur.

1 CC to Mr.R. Selvakumar, Advocate SR.No. 22855

1 CC to the Spl. Government Pleader (Fores), SR.No. 22610

W.P. No.No. 12409 of 2015

MP (CO)
PSI (23.06.2015)