

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.33939 of 2014

B.C.Raman

... Petitioner

Vs.

The District Collector,
Krishnagiri District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue writ of mandamus to direct the respondent to grant a lease in favour of the petitioner to set up a grey granite quarry for an extent of 1.76.0 Ha in S.F.No.405/1B/1B in Chendarapalli Village, Krishnagiri Taluk, Krishnagiri District.

For Petitioner : Mr.V.Lakshminarayanan
For Respondent : Mr.T.N.Rajagopalan, Spl.G.P.

ORDER

The petitioner has filed the present writ petition seeking for a direction to the respondent to grant a lease in favour of him to set up a grey granite quarry for an extent of 1.76.0 Ha. in S.F.No.405/1B/1B in Chendarapalli Village, Krishnagiri Taluk, Krishnagiri District.

2. Learned counsel appearing for the submitted that the petitioner has made an application on 27.06.2008 seeking for a lease of quarry. The said application was also recommended by the Commissioner of Geology and Mining in file No.84/MM5/2009, dated 01.10.2010, for quarrying Grey Granite to an extent of 1.76.0 hectares in S.F.No.405/1B/1B in Chendarapalli Village, Krishnagiri Taluk, for a period of 20 years under Rule 19A of the Tamil Nadu Minor Mineral Concession Rules. Thereafter, the Principal Secretary to the Government, vide letter dated 09.07.2013, called upon the petitioner to provide an approved mining plan within a period of three months and to obtain an environment clearance certificate from the State Environment Impact Assessment Authority. Finally, learned counsel, by drawing the notice of this Court to a Government Order in G.O.(3D) No.17, Industries (MME.2) Department, dated 12.06.2014, submitted that the said G.O. issued by the Government had directed the Collector of Krishnagiri District to take necessary action for the execution of agreement and thereupon communicate the same to the Government and Commissioner of Geology and Mining and the said GO

further directed the District Collector to verify and furnish a certificate to the effect that all lease deed conditions and other conditions mentioned in paragraph 6 of the said G.O. are being complied with and duly incorporated in the lease agreement and thereupon, the same be sent to the Government. Despite the above said G.O., the District Collector did not take any steps to comply with the above said procedure. Therefore, he sought for a direction to the respondent as stated supra.

3. Per contra, learned Special Government Pleader appearing for the respondent, by filing a detailed counter affidavit, urged this Court to dismiss the writ petition on the ground that although the Government passed an order in G.O.(3D) No.17, dated 12.06.2014, requesting the Collector, Krishnagiri District, to execute the lease deed within one month from the date of receipt of the G.O., it was found that as per sub-rule 14(i) of Rule 19-A of Tamil Nadu Minor Mineral and Concession Rules, lease should be executed on fulfilling certain conditions. But, in the present case, the petitioner is having a penalty amount of Rs.71,94,636/-, for which, a memo has been issued through registered post with acknowledgement. Such memo was also acknowledged by the petitioner on 19.07.2014, however, till date, he has not cleared the above said penalty amount. It is further stated that as against the imposition of penalty amount, the petitioner has also preferred an appeal and the same is pending, therefore, since the petitioner has not cleared the penalty amount of Rs.71,94,636/- till date, it is not possible to execute the lease deed, as he has been in huge arrears.

4. I fully agree with the above said submissions of the learned Special Government Pleader appearing for the respondents, for, admittedly the petitioner has not cleared the penalty amount of Rs.71,94,636/- and his appeal is pending, therefore, for the reasons stated above, this Court is not convinced to direct the respondent to accept the claim of the petitioner. Learned counsel for the petitioner stated that in order to get over the default, the District Collector has passed an order only on 17.07.2014, when the time limit fixed by the Government stood expired on 11.07.2014. But, such contention of the petitioner does not impress upon this Court, as the petitioner did not fulfil the condition imposed by the Government and also the clearance of penalty amount as stated above.

5. In fine, for the reasons stated above, the writ petition fails and it is dismissed accordingly. No Costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

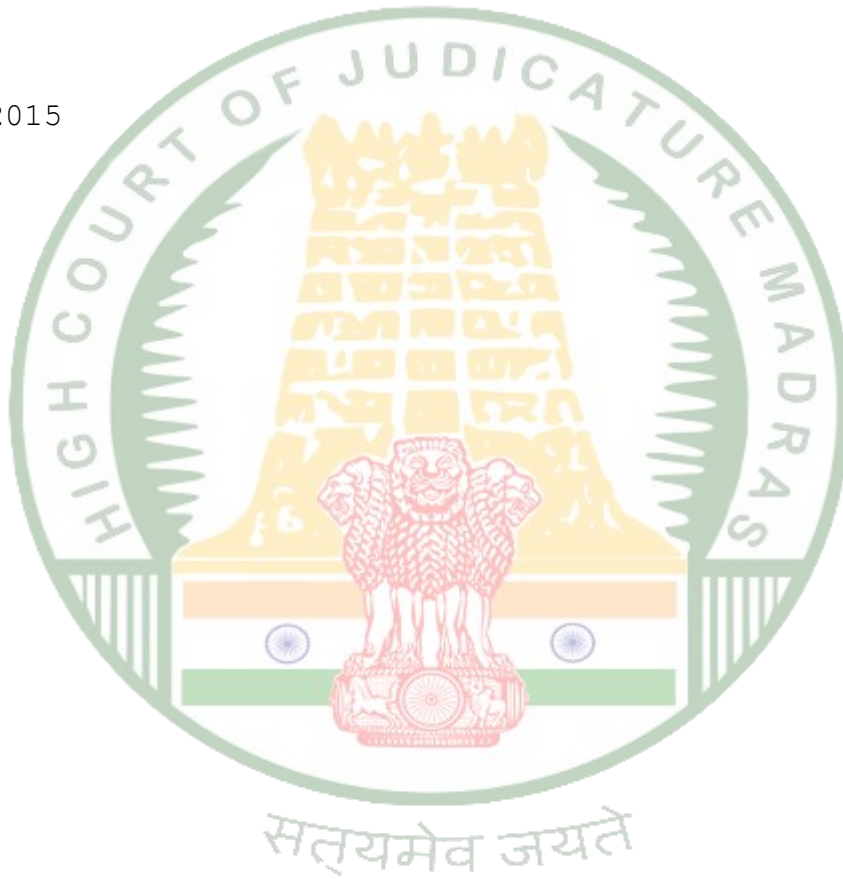
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To

The District Collector,
Krishnagiri District.

1 cc to Government Pleader.Sr.No.31824

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