

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2015

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.19067 of 2015

And

M.P.No.1 of 2015

M/s.Ultratech Cement Limited
Rep by its Executive President,
(Unit : Reddipalayam Cement Works) ... Petitioner

Vs.

- 1 Union of India
Rep. by its Secretary Ministry of Mines
Shastri Bhavan New Delhi-110 115.
- 2 State of Tamilnadu
Rep. by Commissioner Department of Geology
and Mining Thiru Vi.Ka. Industrial Estate
Guindy Chennai-600 032.
- 3 District Collector
Karur District. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd respondent to execute Prospecting License as granted by the 2nd respondent in his Rc.No. 9835/MM8/2012 dated 20.06.2014.

For Petitioner : Mr.Satish Parasaran

For Respondents : Mrs.S.Meera Kumari for R1
Central Government Standing Counsel
Mr.T.N.Rajagopalan for R2 and R3
Special Government Pleader

O R D E R

Heard the learned counsel appearing for the petitioner, the learned Central Government Standing Counsel appearing for the first respondent and the learned Special Government Pleader appearing for the respondents 2 and 3.

2.The petitioner has filed this writ petition seeking issuance of Mandamus directing the 3rd respondent to execute Prospecting License as granted by the 2nd respondent in his Rc.No. 9835/MM8/2012 dated 20.06.2014.

3.It is the case of the petitioner that it is a company incorporated under the Indian Companies Act, 1956 and is the largest manufacturer of grey cement, Ready Mix Concrete and white cement in India. It is also one of the leading cement producers globally. The petitioner with a view to cater to the growing demand for its cement products, is in the process of establishing a mega project expected to have a capacity of 2.7 million tons per annum with grinding units and a captive thermal plant at an esteemed cost of Rs.2,500 Crore. Adequate extent of land was identified and the petitioner made application to the second respondent for grant of a Prospecting License to prospect limestone over an extent of 25.70.0 hectares of its own patta lands and 37.13.0 hectares of other patta lands and 3.93 hectares of Government poramboke lands in respect of Kalaiyapatti Village, Kadavur Taluk, Karur District on 02.02.2012 in Form B.

4.It is the follow case of the petitioner that their application attained finality by necessary proceedings by the appropriate authorities and the Government by communication dated 30.01.2015, issued a positive direction to the third respondent herein to expedite the process of execution of Prospecting Licence relating to the petitioner. The third respondent in turn vide communication in Rc.No.33/Mines/2012, dated 30.03.2015 pointing out certain delay in execution of Prospecting Licence and that necessary no objection certificates have to be obtained from the Superintendent of Police, Karur and Revenue Divisional Officer, Kulithalai relating to land grabbing/ cheating/ criminal cases pending against the Prospecting Licence related survey fields. The petitioner accordingly obtained the necessary certificates and even thereafter, no such licence has been executed. Hence, the petitioner made representations dated 28.04.2015, 04.05.2015 followed by reminder dated 12.05.2015 and since they have not been considered, the petitioner is before this Court.

5.The learned counsel appearing for the petitioner submitted that the petitioner complied with all the requirements for grant of Prospecting Licence and even according to Rule 15 of the Mineral Concession Rules, 1960, the time limit granted shall not be the criteria for processing the said licence.

6.On the other hand, the Special Government Pleader appearing for the respondents 2 and 3 submitted that the authority only seeks further clarifications from the Government on which the processing to Prospecting Licence would be completed.

7.This Court considered the rival submissions and perused the materials available on record. The inaction on the part of the 3rd respondent in not executing the prospecting the licence, despite the communication of 2nd respondent is improper and against Rule 15 of the Mineral Commission Rules 1960. In view of the above, this court directs the third respondent to complete the process on the basis of the letter given by the Government on 30.01.2015 as well as the no objection certificate issued by the Superintendent of Police, Karur within a period of six weeks from the date of receipt of a copy of this order.

8.This writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

- 1 Union of India
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Shastri Bhavan New Delhi-110 115.
- 2 State of Tamilnadu
Rep. by Commissioner Department of Geology
and Mining Thiru Vi.Ka. Industrial Estate
Guindy Chennai-600 032.
- 3 District Collector
Karur District.

+1 cc to Mr.Satish Parasaran, Advocate, sr.46402

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