

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2015

CORAM:

THE HON'BLE MR. JUSTICE R. MAHADEVAN

W.P.No.25774 of 2015

Malliga

.. Petitioner

v.

1.State of Tamil Nadu,
Rep. By its Secretary to Government,
Industries Department,
Chennai - 600 009.

2.The Director of Geology and Mining,
Industrial Estate,
Guindy,
Chennai - 600 032.

3.The District Collector,
Krishnagiri

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus, calling for the records relating to the proceedings in Roc.618/2012/Mines-2 dated 09.07.2012 on the file of the 3rd respondent, quash the same and direct the 3rd respondent to receive the quarry lease application from the petitioner and forward the same to the 1st respondent for the grant of quarry licence by applying the proviso to Rule 19-A(11) (a) of the Tamil Nadu Minor Minerals Concession Rules 1959.

For petitioner : Mr.S.Doraisamy
For respondents : Mr.T.N.Rajagopalan,
Spl. Govt. Pleader

ORDER

Heard Mr.S.Doraisamy, learned counsel for the petitioner and Mr.T.N. Rajagopalan, learned Special Government Pleader for the respondents.

2. This writ petition has been filed challenging the impugned proceedings of the 3rd respondent, dated 09.07.2012 and to quash the same and further to direct the 3rd respondent to receive the quarry lease application from the petitioner and forward

the same to the 1st respondent for the grant of quarry licence by applying the proviso to Rule 19-A(11) (a) of the Tamil Nadu Minor Minerals Concession Rules 1959.

3. The case of o the petitioner is that for the grant of quarry lease, an application was submitted by the petitioner on 20.06.2012. According to the provisions of the Act, minimum area required on quarry operation is one hectare. Rule 19-A as well as (11) (a) of the Tamil Nadu Minor Minerals Concession Rules 1959, also provides that if the State Government is satisfied can also reduce or increase the required extent of the land for the purpose of grant of mining lease. Without placing the application of the petitioner to the State Government, the respondent straightaway returned the papers on the ground that extent of land is less than a hectare and the same is questioned in this writ petition.

4. The learned counsel for the petitioner submitted that subsequently representations were made by the petitioner on 22.05.2013 and 08.06.2014 to reconsider the application and no orders have been passed so far. It is also brought to the notice by the learned counsel for the petitioner that the petitioner had also obtained necessary certificates from the concerned authorities and enclosed along with the said representations. The learned counsel for the petitioner further submitted that it would be suffice, if the representations are considered in the light of the Rule 19-A of Tamil Nadu Minor Minerals Concession Rules 1959, within the stipulated time.

5. The learned Special Government Pleader, denied the submission of the learned counsel for the petitioner stating that no such application has been received by the authorities and acknowledgment card also not enclosed in the typed set.

6. In view of the above, to give quietus to the issue, the petitioner is directed to resubmit his application along with all the adequate documentary evidences as well as appropriate reasoning for not acquiring one hectare land and the same shall be presented before the 3rd respondent within a period of two weeks from the date of receipt of a copy of this order and on such resubmission, the same shall be considered as per Rule 19-A of Tamil Nadu Minor Minerals Concession Rules 1959, within a period of eight weeks thereafter.

The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

Rj

To

1.The Secretary to Government,
Industries Department,
Chennai - 600 009.

2.The Director of Geology and Mining,
Industrial Estate,
Guindy,
Chennai - 600 032.

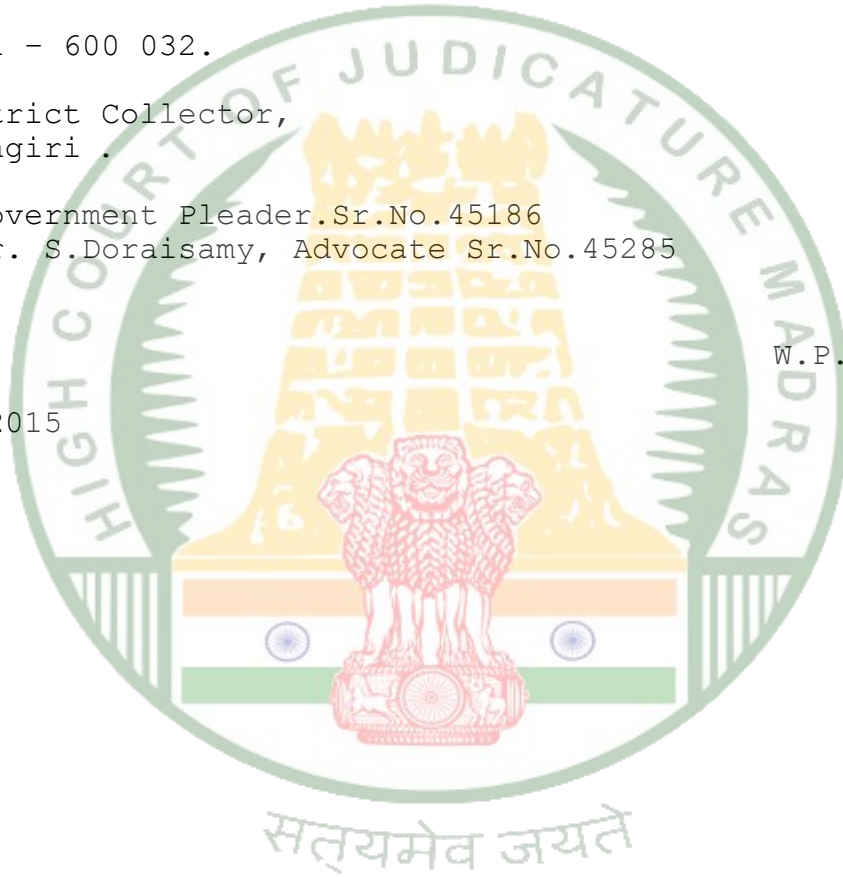
3.The District Collector,
Krishnagiri .

1 cc to Government Pleader.Sr.No.45186

1 cc to Mr. S.Doraisamy, Advocate Sr.No.45285

kji(co)
pmk.11.9.2015

W.P.No.25774 of 2015



WEB COPY