

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2015

CORAM:

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P.No.32270 of 2015

Zircon Mines and Minerals,
Rep. by Partner Mrs.M.Faiza Begum,
64/77-A, Municipal Colony,
Nehruji Nagar,
Dindigul 624 001.

... Petitioner

-Versus-

The Government of Tamil Nadu,
Rep. by the Additional Chief Secretary,
Industries Department,
Fort St. George,
Chennai 600 009.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India for the relief of issuance of Writ of Mandamus directing the respondent herein to consider the mining lease application of the petitioner dated 18.12.2001 and grant mining lease to the petitioner for mining Quarts and Feldspar from the land bearing S.F.No.64 admeasuring 4.55.0 Hectares in Kuttam Village, Vedasandur Taluk, Dindigul District for a period of 30 years with reference to the Mining Lease Application of the petitioner dated 18.12.2001, pursuant to the order of the Central Government passed in Order No.775/2011 dated 29.12.2001 in Revision Application filed No.27 (07)/2009-RC-II within a time frame to be fixed by this court.

For Petitioner : Mr.V.Sanjeevi

For Respondent : Mr.T.N.Rajagopalan, AGP

ORDER

Seeking for a mandamus directing the respondent to consider the mining lease application of the petitioner dated 18.12.2001 and grant mining lease to the petitioner for mining Quarts and Feldspar, the petitioner has come forward with this writ petition.

2. The petitioner is interested in entering into a mining lease agreement to mine the Quartz and Feldspar. He made an application seeking for a mining lease to the authority concerned and the same was rejected. Challenging the said

order rejecting the mining lease application of the petitioner vide G.O.Ms.No.41, Industries (MMD.2) Department, dated 28.04.2009, the petitioner preferred a revision to the Central Government. The revision preferred by the petitioner was considered by the Central Government wherein, by order dated 02.01.2012, the order of the State Government rejecting the request for the grant of mining lease was set aside and the matter was remanded back to the State Government for passing appropriate orders. The grievance of the petitioner is that subsequent to the above said order, despite repeated representations to pass appropriate orders on the mining lease application, the respondent did not heed to the request of the petitioner and thus, he has no option except to approach this court by way of this writ petition for a mandamus.

3. Heard both sides and also perused the records carefully.

4. The learned Additional Government Pleader appearing for the respondent would, on instructions, submit that the respondent will consider the representation of the petitioner and pass appropriate orders within a reasonable time to be fixed by this court. The said submission is recorded.

5. Though a positive direction is sought for in the writ petition, considering the above submission made by the learned Additional Government Pleader and the facts and circumstances of the case, without expressing anything on the merits of the claim made by the petitioner, this court directs the respondent to consider the representation of the petitioner dated 18.12.2001 and necessary orders be passed within a period of eight weeks from the date of receipt of a copy of this order after affording due opportunity to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

kmk

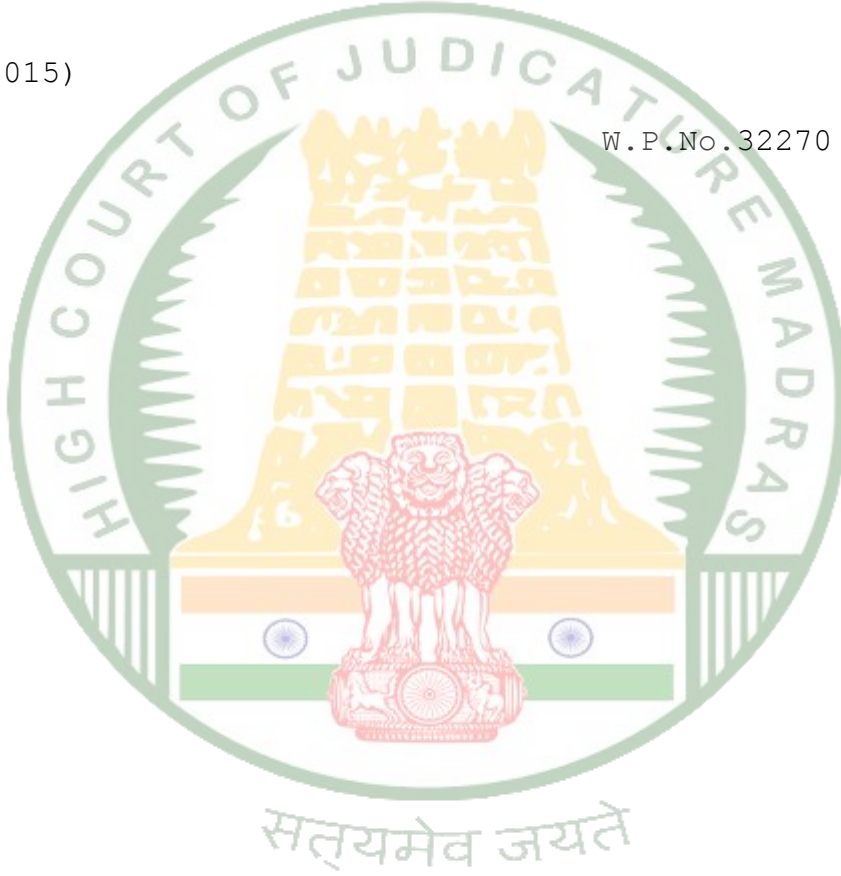
To

1.The Additional Chief Secretary to
the Government of Tamil Nadu,
Industries Department,
Fort St. George, Chennai 600 009.

+1cc to M/s.V. Sanjeevi, Advocate, S.R.No.58302

SAI (CO)
EU(17/11/2015)

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