

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2015

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.26595 of 2008
and M.P.No.1 of 2011

Yes Pee Granites Pvt. Ltd.,
rep. by its Managing Director, S.Palani,
No.13/7, Nyniappan Street,
Mandaiveli,
Chennai - 20.

.. Petitioner

Versus

1. The State of Tamil Nadu
rep. by its Secretary to Government,
Industries Department,
Fort St. George,
Chennai 600 009.
2. The District Collector,
Namakkal District,
Namakkal.
3. The Deputy Director,
Geology and Mining,
Collectorate, Namakkal.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for the issuance of a writ of Mandamus directing the respondents to issue transport permits to the petitioner for transporting the granite blocks from the land bearing S.No.170/11 admeasuring 5.31.0 Hectares in Thirumalaipatti Village, Namakkal Taluk and District on payment of Seignoirage fee.

For Petitioner : Mr.V.Sanjeevi

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

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O R D E R

The petitioner has come forward with the above writ petition seeking for a mandamus directing the respondents to issue transport permits to the petitioner for transporting the granite blocks from the land bearing S.No.170/11 admeasuring 5.31.0 Hectares in Thirumalaipatti Village, Namakkal Taluk and District on payment of Seignoirage fee.

2. Learned counsel for the petitioner submits that the petitioner had submitted an application dated 07.08.2004 and the same has not been considered by the respondents. He also drew the attention of this Court to the order dated 21.01.2008 made in W.P.No.23436 & 23437 of 2004 wherein, the petitioner has sought for a mandamus forbearing the respondents therein from interfering with the petitioner's right to continue quarry operations in respect of the land in survey number mentioned therein and directing the respondents to consider the renewal applications dated 25.05.2004, 07.08.2004 and 19.05.2003 and 07.09.2004. This Court in the above referred order had relied on the decision of the Honourable Division Bench. As directed by the Division Bench of this Court, the petitioner's was carrying on the quarrying operations and had applied for renewal of the quarry operations vide its letter dated 07.08.2004.

3. Learned Additional Government Pleader appearing for the respondents submitted that in the files of the respondents no applications are there more particularly, the application dated 07.04.2008 which has been referred to by the petitioner.

4. Learned counsel for the petitioner produced a copy of the application for renewal of quarrying lease for granites dated 07.08.2004 alongwith copy of payment receipt of Rs.5,000/- (Rupees Five Thousand Only) towards the application fee.

5. I have heard the learned counsel on either side and perused the materials available on record.

6. Merely because the respondent does not possess the copy of the application for renewal, it cannot be said that the same was not made when the prayer as well as the contention of the petitioner has been reflected in the earlier order dated 21.08.2004 mentioned supra. Hence, this court while allowing the writ petition to the extent that the application for renewal of the petitioner dated 07.04.2008 is to be considered and if there is any balance of application fee, the same should be remitted by the petitioner, within a period of two weeks, from the date of receipt of a copy of this order. However, the petitioner is directed to produce copy of the application dated 07.08.2004 along with the copy of this order, so as to enable the authority to pass appropriate orders on merits and in accordance with law. The authorities are directed to pass orders, after affording an

opportunity of personal hearing, within a period of three months from the date of personal hearing. No costs. Consequently, connected miscellaneous petition is closed.

smi

-s/d-

Assistant Registrar()

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government,
State of Tamil Nadu, Industries Department, Fort St. George,
Chennai 600 009.
2. The District Collector,
Namakkal District, Namakkal.
3. The Deputy Director, Geology and Mining,
Collectorate, Namakkal.

+ 1 cc to M/s.V.Sanjeevi, Advocate SR 16618

+ 1 cc to Government Pleader SR 16665

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W.P.No.26595 of 2008

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