

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 27.06.2016

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.16173 & 16174 of 2016
&
W.M.P.Nos.13957 & 13958 of 2016

M.P.Rammohan Raja ... Petitioner in both W.Ps.

Vs

1. The Government of Tamil Nadu
rep. By its Principal Secretary
Industries Department
Fort St.George, Secretariat
Chennai 600 009.
2. The District Collector
Virudhunagar,
Virudhunagar District. ... Respondents in both W.Ps.

COMMON PRAYER: Petitions filed under Article 226 of The Constitution of India praying for issuance of writ of mandamus directing the first respondent to consider the petitioner's representation both dated 15.04.2016, within the time stipulated by this Court.

For Petitioner : Ms.Lakshmi Sriram

For Respondent : Mr.S.Diwakar
Special Government Pleader

O R D E R

Heard Ms.Lakshmi Sriram, learned Counsel appearing for the petitioner and Mr.S.Diwakar, learned Additional Government Pleader, accepting notice on behalf of the respondents and with the consent of learned counsel appearing on either side, the writ petitions are taken up for final disposal.

2.In both these Writ Petitions, the petitioner seeks for issuance of a writ of mandamus to direct the first respondent to consider the petitioner's representations dated 15.04.2016.

3.At the first blush, the prayer sought for by the petitioner seems to be an innocuous prayer. However, on a

closer scrutiny of the Writ Petitions, it is evidently clear that the petitioner is not entitled to any relief in these Writ Petitions. This Court proceeds to substantiate this conclusion with the following reasons:

3.1 The petitioner in the year 1989, was granted a lease for quarrying rough stone, measuring an extent of 10.00 acres in S.F.No.854, Pillaiyarkulam Village, Srivilliputtur Taluk, and an extent of 72.90 acres in S.F.No.1270 of Venkateswarapuram Village, Srivilliputtur Taluk, which were notified under Rule 8(a) of Tamil Nadu Minor Mineral Concession Rule 1959 (hereinafter referred to as the 'Rules') in the District Gazette No.9, dated 16.05.1989.

3.2 Lease was granted in favour of the petitioner for three fasli years, pursuant to the public auction. The lease period was from 16.09.1989 to 30.06.1992. However, when the quarry was inspected, it came to light that the petitioner was quarrying huge blocks of granites, instead of roughstone, covered under the lease. Therefore, the lease was terminated by an order dated 11.03.1992. As against the said order of termination, the petitioner filed an Appeal before the Commissioner of Geology and Mining and the Appellate Authority granted an interim order of stay and permitted the petitioner to continue the quarry till the end of the lease period i.e. upto 30.06.1992. Subsequently, the Appeal was dismissed, by an order dated 24.08.1992, presumably, because the lease period was over. The petitioner filed a Review before the Commissioner of Geology and Mining to modify the order dated 24.08.1992, for issuing transport permit. That Review Petition was dismissed by the Commissioner of Geology and Mining, Chennai, by an order dated 10.10.1992. Subsequently, the petitioner filed an Application for renewal of lease for a further period of five years, which was rejected by the second respondent by orders dated 01.06.1992 and 07.05.1992, for the reason that the leasehold area contains Granite rocks, used for ornamental and decorative stone and the lease can be granted only by the Government under Rule 8A of the Rules.

3.3 Aggrieved over the same, the petitioner filed Writ Petitions before this Court in W.P.Nos.8066 and 8067 of 1992, to quash the order of rejection dated 01.06.1992 and also obtained an interim order and once again started quarrying the granites. Another Writ Petition was filed by the petitioner in W.P.No.10896 of 1993, for issuing transport permit and an interim direction was granted in that Writ Petition also. Thereafter, the petitioner had filed another Writ Petition in W.P.No. 7335 of 1996, to consider his Application for grant of lease. But, the Government rejected the same by G.O.4(1) No.62 dated 18.09.1995, which was challenged by the petitioner in W.P.No.4316 of 1996, and the said Writ Petition was dismissed on 07.10.1999, confirmed by the Hon'ble Division

Bench in Writ Appeal No.564 of 2005 dated 10.12.2007. Subsequently, after about six years, the petitioner filed Writ Petitions in W.P.Nos.36904 and 35905 of 2002, for quashing G.Os.(2D) 295 & 353, both dated 08.10.1996 and obtained interim directions. By utilising the interim order, the petitioner appears to have carried out quarrying granite stones. At that juncture, an objection was raised by the Wild Life Warden, and an order was passed by the Government prohibiting the quarrying operations. Aggrieved over the same, the petitioner filed Writ Petitions before the Madurai Bench of this Court in W.P.(MD) Nos.16502 and 16503 of 2014, for quashing the order passed by the District Collector dated 30.04.2014, in which certain interim orders have been granted.

3.4 Further, from the written instructions given by the respondents, which runs to 28 pages, it appears that the petitioner has been operating quarry, based on interim orders granted in the various Writ Petitions filed by him and most surprising part is that at no point of time, the petitioner was granted any permission to quarry granite.

4.In the light of the above factual position and in the light of the fact that the petitioner's other Writ Petitions are pending before the Madurai Bench of this Court, the prayer sought for in these Writ Petitions cannot be granted. Accordingly, both the Writ Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary
Government of Tamil Nadu
Industries Department
Fort St.George, Secretariat
Chennai 600 009.

2. The District Collector
Virudhunagar,
Virudhunagar District.

+2cc's to Ms.Lakshmi Sriram, Advocate, S.R.No.35605
+1cc to the Government Pleader, S.R.No.35946

W.P.Nos.16173 & 16174 of 2016

SKV(CO)

CA(12/07/2016)

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