

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2016

CORAM:

THE HON 'BLE MR. JUSTICE T.S.SIVAGNANAM

Writ Petition Nos.38941 to 38945 of 2015

M.P.Nos.1 to 1 of 2015

M/s. Ultratech Cement Limited,
Rep. By its Executive President,
(Unit: Reddipalayam Cement Works),
Reddipalayam Post, Ariyalur District - 621 704,
Tamil Nadu ... Petitioner in all W.Ps.

Versus

1. Union of India, Rep. By its Secretary,
Ministry of Mines, Shastri Bhavan,
New Delhi - 110 115
2. State of Tamil Nadu, Rep. By Commissioner,
Department of Geology and Mining,
Thiru Vi Ka Industrial Estate, Guindy,
Chennai - 600 032
3. The District Collector, Karur District,
Karur ... Respondents in all W.Ps.

Cammon Prayer:- Petitions filed under Article 226 of the Constitution of India, seeking for the issuance of Writs of Mandamus to direct the second respondent to grant prospecting licenses, as recommended by the third respondent vide letter No.RC Nos.35/Mines/2012, dated 08.05.2013; 32/Mines/2012, dated 15.03.2013; 31/Mines/2012, dated 26.11.2013; 36/Mines/2012, dated 25.06.2013 and 34/Mines/2012, dated 17.07.2013.

For Petitioner in all W.Ps. : Mr. Rahul Balaji
For Respondent in all W.Ps. : Mr. S.Sanjay Swamy,
ACGC., for R-1,
Mr. S.Diwakar, Spl.G.P.,
for, R-2 & R-3

C O M M O N O R D E R

Heard Mr.Rahul Balaji, learned counsel appearing for the petitioner, Mr.Sanjay Swamy, learned ACGC for the first respondent and Mr.S.Diwakar, learned Special Government Pleader

for the respondents 2 and 3. By consent of the learned counsel for both sides, the writ petitions are taken up for final disposal.

2. The petitioner, in all the writ petitions, is a company incorporated under the Indian Companies Act, 1956, and is one of the leading manufacturers of cement in the country. In these writ petitions, they seek for a positive direction to direct the second respondent to grant prospecting licenses, for quarrying limestone over an extent of 97.38.0 hectares of patta and poramboke lands in Varavanai Village, Karur District, based on the petitioner's applications for prospecting licences, dated 02.02.2012.

3. Record of the proceedings shows that pursuant to such applications filed by the petitioner, the Revenue Divisional Officer, Kulithalai, has furnished the land availability report to the District Collector, Karur, on 22.10.2012, apart from the Inspection Report of the Assistant Director, Geology and Mining, Karur District, dated 15.04.2013.

4. Taking into consideration these reports and the further representation of the petitioner, dated 15.04.2013, the District Collector, Karur, vide proceedings dated 08.05.2013, has forwarded her recommendations to the second respondent. By virtue of the said communication, the petitioner's applications for grant of prospecting licences, for a period of two years, have been forwarded to the second respondent, in terms of Section 11 of the Mines and Minerals (Development and Regulation) Act, 1957, subject to the twelve conditions which have been stated in the said proceedings.

5. The grievance of the petitioner is that there is a stalemate in the matter and inspite of their representations, dated 05.05.2015 and 19.05.2015, no action has been taken by the second respondent. Therefore, the petitioner has filed these writ petitions.

6. Though no counter affidavit has been filed, the learned Special Government Pleader appearing for respondents 2 and 3 would submit that the present stage of the proceedings is not known.

7. Be that as it may, this Court is not inclined to grant any positive direction, as sought for by the petitioner. But, if the proposal forwarded by the District Collector to the second respondent is in order and fulfills the conditions stipulated therein, then it goes without saying that the second

respondent should pass an order and intimate the petitioner, so that the petitioner would know as to what happened to their applications. Therefore, to that extent, this Court is inclined to give relief to the petitioner.

8. Hence, the writ petitions stand disposed of, by directing the second respondent to consider the proposal sent by the third respondent, dated 08.05.2013, and if the conditions stipulated therein had been complied with, then appropriate orders shall be passed, on merits and in accordance with law and communicate the decision taken to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected MPs are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

srk
To

1. The Secretary, Union of India,
Ministry of Mines, Shastri Bhavan,
New Delhi - 110 115
2. The Commissioner, State of Tamil Nadu,
Department of Geology and Mining,
Thiru Vi Ka Industrial Estate, Guindy,
Chennai - 600 032
3. The District Collector, Karur District,
Karur

+1cc to Mr.Satish Parasaran, Advocate, S.R.No.62517
+1cc to Mr.D. Sanjayswamy, Advocate, S.R.No.62092

scd(CO)
md(21/11/2016)

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