

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.A. No.149 of 2016

B.C.Raman

.. Appellant/Petitioner

-vs-

The District Collector,
Krishnagiri District.

.. Respondent/Respondent

Appeal filed under Clause 15 of the Letters Patent against the final order dated 25.06.2015 passed in W.P.No.33939 of 2014 on the file of this Court. Writ petition filed under Article 226 of the constitution of India praying to issue a writ of Mandamus to direct the respondent to grant a lease in favour of the petitioner to set up a grey granite quarry for an extent of 1.76.0 Ha in S.F.No.405/1B/1B in Chendarapalli Village Krishnagiri Taluk Krishnagiri District;

For Appellant : Mr.C.Mahendran

For Respondents : Mr.T.N.Rajagopalan, Special
Government Pleader

J U D G M E N T

(Judgment of the Court was delivered by The Hon'ble Chief Justice)

We cannot find fault with the impugned order by which the learned Single Judge has rejected the writ petition filed by the appellant on account of non-execution of the lease in his favour for mining grey granite due to the fact that in respect of another lease, the petitioner had been imposed a penalty of Rs.71,94,636/-, which has not been paid, but is a subject matter of an appeal without stay pending before the Commissioner of Mining.

2.We are, however, of the view that if the appellant deposits the full amount, the licence can be granted. In the alternative, in any case the appeal needs to be decided expeditiously so that the appellant knows his fate. The appeal is about two years old.

3.We direct that the appeal would be taken up and decided within a maximum period of one (1) month of the date of receipt of the order, whereafter dependant on the fate of the appeal, the question of issuance of mining lease to the petitioner in the present case can be examined.

4.Appeal is dismissed with the aforesaid observations. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

sra

To

The District Collector,
Krishnagiri District.

+ 2 ccs to Mr.C. Mahendran, Advocate Sr.8755
+ 1 cc to the Government pleader SR.9121

सत्यमेव जयते

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