

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE S.VAIDYANATHAN

W.A. No.477 of 2016

M/s.Siva Sakthi Enterprises,
by its Sole Proprietor, G.Saralathan,
Chennai. .. Appellant/Petitioner

-vs-

- 1.The Govt. of Tamil Nadu,
by its Additional Chief Secretary
to Govt., Industries (MMB.2) Dept.,
Fort St. George, (Secretariat), Chennai.
- 2.The District Collector,
Villupuram District.
- 3.The Commissioner of Geology and
Mining, Directorate of Geology and
Mining, Guindy, Chennai. .. Respondents/Respondents

Appeal filed under Clause 15 of Letters Patent against the order dated 23.02.2016 in W.P.No.33419 of 2015 on the file of this Court.

WP.No.33419 of 2015:Writ Petition filed to issue a Writ of Certiorarified Mandamus to call for the records of the 1st Respondent in G.O.(D) No.116 dated 25th June 2015 and quash the same and direct the Respondents to consider the application for renewal of the Petitioner dated 17th October 2003 after providing due opportunity to the Petitioner and in accordance with law

For Appellant : Mr.N.Suresh

For Respondents : Mr.S.T.S.Murthi,
Govt. Pleader, assisted by
Mr.V.Shanmugasundaram, G.A.

* * * * *

J U D G M E N T
(Judgement of the Court was delivered by The Hon'ble Chief Justice)

Admit. Learned Government Pleader, accepts notice for the respondents.

2.At request of learned counsel for parties, the appeal is taken up for final disposal.

3.The appellant is aggrieved by the impugned order dated 23.02.2016 qua the issue of renewal of the quarrying lease on the ground that while upholding the contentions of the appellant against rejection of the application for renewal, the learned Single Judge has still opined that he is refraining from quashing the impugned order (para 16).

4.On hearing the learned counsel for the parties, we find that the learned Single Judge in para 15 has set out various reasons as to why the rejection of the application of the appellant cannot be sustained. Each ground has been dealt with before that. However, while coming to the operative paragraph, it is observed that "is refraining from quashing the impugned order". While so opining, the learned Single Judge has observed that the grievances of the appellant should be properly addressed by the respondents in accordance with law, as they have to consider the application for renewal of licence swiftly. The direction is to the respondents to issue transport permits for granite blocks already quarried meeting that part of the objection of the appellant, but there appears to be no positive direction to consider the issue of renewal of the application of the appellant within a time bound schedule. The problem is confounded by the fact of the observations extracted aforesaid.

5.We are, thus, of the view that the only modification required in the impugned order is that for the reasons set out in para 15 of the impugned order, the rejection of the application of the appellant has to be necessarily quashed with a direction to the respondents to re-examine the application on merits within a maximum period of two (2) months of the receipt of the order. Thus, the observations extracted aforesaid to the contra are set aside. Needless to say that in the interregnum period, the appellant is entitled only to operate para 17 of the order till the aforesaid decision is taken.

6.Writ Appeal is allowed to the extent aforesaid, leaving the parties to bear their own costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sra

To

- 1.The Additional Chief Secretary to
Govt. of Tamil Nadu, Industries (MMB.2)
Dept., Fort St. George, (Secretariat), Chennai.
- 2.The District Collector,
Villupuram District.
- 3.The Commissioner of Geology and
Mining, Directorate of Geology and
Mining, Guindy, Chennai.

+1 cc to M/s.N.Suresh Advocate sr.24379
+1 cc to the Government Pleader sr.24023

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