

In the High Court of Judicature at Madras

Dated: 14.12.2016

Coram

The Honourable Mr.JUSTICE RAJIV SHAKDHER

Writ Petition No.38420 of 2016

& WMP No.32906 of 2016

1 R.Ramayee
W/o.Shri Raman Veppangudi Kanniyalampatti
Post Kadavur Taluk-621 301 Karur District
..... Petitioner

Vs

1 The Government of Tamil Nadu
Rep by its Secretary to Government
Industries Department Fort St. George
Chennai-600 009

2 The Commissioner of Geology
and Mining Guindy Chennai-600 032

3 The District Collector
Karur District Karur
..... Respondents

PETITION filed under Article 226 of The Constitution of India for issuance of Writ of Mandamus directing the 1st respondent to consider the representation of the petitioner dated 20.09.2016 and permit the petitioner to continue / resume mining operation from the leasehold area (Patta land) bearing S.Nos. 530/1 2 3 and 4 measuring an extent of 0.78.0 Hectare in Panapatti Village Kulithalai Taluk Karur District within the time frame.

For Petitioner : Mr.V.Sanjeevi
For Respondents : Mr.R.Venkatesh, G.A.

O R D E R

1. The limited direction sought for by the petitioner is that his representation dated 20.09.2016 should be dealt with by respondent No.1.

1.1. To be noted, the said representation has been made by the petitioner for permission to continue/or resume mining operations in leasehold land (patta land), bearing S.No.530/1,2,3 and 4, admeasuring, approximately, 0.78.0 hectares, situate in Panapatti Village, Kulithalai Taluk, Karur District.

2. The petitioner claims that, pursuant to a lease deed executed on 13.02.2002, between herself and the District Collector of Karur, she was permitted to mine Quartz and Feldspar, (which were, at that point in time, classified as major minerals), for a period of 20 years.

3. It is the petitioner's case that the Ministry of Mines, Government of India, vide notification dated 10.02.2015, declared 31 minerals, which included Quartz and Feldspar, as minor minerals.

3.1. According to the petitioner, in the interregnum, the Regional Controller of Mines, Indian Bureau of Mines, Chennai, vide order dated 06/07.08.2012 suspended the mining operations qua the mine quarried by the petitioner, in exercise of powers conferred upon him under Rule 45(7)(i)(a) of the Mineral Conservation and Development Rules, 1988 (in short 1988 Rules).

3.2. This order was passed, according to the petitioner, for her alleged failure to comply with the requirements of Rule 45 (2) and 45(5)(a) of the 1988 rules.

3.3. According to the petitioner, the charge levelled against her was that she had not uploaded her application for registration and had not filed her monthly returns.

3.4. At this point in time, the petitioner's stand is that, since, Quartz and Feldspar have been declared as minor minerals, the 1988 Rules, which applied to major minerals, would not be applicable in her case.

3.5. It is, in this background, that the petitioner appears to have made a representation dated 20.09.2016 to respondent No.1, which according to her, has not been disposed of as yet.

4. Counsel for the respondents, on the other hand, submits that the order of suspension of mine operations was passed on 06.08.2012, and that, the representation has been made by the petitioner nearly four (4) years thereafter.

4.1. Thus, in sum, the submission of the counsel for the respondents is that there is a delay and laches on the part of

the petitioner to seek appropriate relief via her representation.

5. According to me, this argument advanced on behalf of respondent No.1 cannot be sustained. Respondent No.1 has to consider and dispose of the representation made by the petitioner, one way or the other, in the light of the submissions made therein. Respondent No.1 will have to consider as to whether or not, the said order would continue to operate, even though the minerals mined by the petitioner, can no longer be categorised as major minerals.

6. Accordingly, the Writ Petition is disposed of with a direction to respondent No.1 to pass a speaking order qua the representation dated 20.09.2016, albeit, in accordance with law.

6.1. Needless to say, the aforementioned exercise will be carried out by respondent No.1 with due expedition, though, not later than eight (8) weeks from the date of receipt of a copy of this order.

7. Resultantly, the connected Miscellaneous Petition stands closed. However, there will be no order as to costs.

Sd/
Assistant registrar(CS III)

TRUE COPY//

sub assistant registrar

sl

To

1 The Secretary to Government
The Government of Tamil Nadu
Rep by its Secretary to Government
Industries Department Fort St. George
Chennai-600 009

2 The Commissioner of Geology
and Mining Guindy Chennai-600 032

3 The District Collector
Karur District Karur.

+1 CC to Mr. V. Sanjeevi, Advocate vide SR 73064

+1 CC to Govt. Pleader vide SR 73294

SS1
sp/10/1



Writ Petition No.38420 of 2016
& WMP No.32906 of 2016

WEB COPY