



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.13757 of 2013

and

M.P.(MD).No.1 of 2013

R.PALANISAMY

.... Petitioner

Vs.

1 THE DISTRICT COLLECTOR
DINDIGUL DISTRICT, DINDIGUL

2 THE ASSISTANT DIRECTOR
OF GEOLOGY AND MINING
COLLECTORATE BUILDING
DINDIGUL, DINDIGUL DISTRICT.

3 THE SECRETARY TO GOVERNMENT
INDUSTRIES DEPARTMENT
GOVERNMENT OF TAMILNADU
FORT.ST.GEORGE, CHENNAI.

4 THE COMMISSIONER OF GEOLOGY
AND MINING GUINDY CHENNAI.

... Respondents

[(*) R3 & R4-

IMPLEADED AS PER ORDER DT. 14.08.14 IN MP.1/14]

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 23.07.2013 bearing Roc.No. 59/2013 (Mines) passed by the 1st respondent and quash the same and consequently directing the 1st respondent to grant mining license in favour of the petitioner for quarrying lime stone in the patta land in Survey No. 27/4 (Part) situated at Palayam village, Vedasanthur Taluk, Dindigul District.

For Petitioner	: Mr.T.Antony Arul Raj
For Respondents	: Mr.R.Anandharaj
	Government Advocate

Challenging the order passed by the first respondent, dated 23.07.2013, rejecting the petitioner's application for granting



lease to quarry limestone in the patta land stating, on the ground that it is a premature one, the present writ petition has been filed.

2. According to the petitioner, an extent of 4.00.5 hectares of patta land in various Survey Numbers, situated in Palayam Village, stood in the name of one Thiru.Venkatraman, father of one Mr.Prabhu Raj. Subsequently, the petitioner purchased some properties from the above said Thiru.Venkatraman and the power agent of the above said Thiru.Venkatraman. Earlier, the son of the petitioner's vendor viz., Mr.Prabhu Raj obtained a mining lease for a period of 20 years and subsequently, the above said Prabhu Raj filed an application for surrendering of the lease and pending consideration of the above application, the petitioner herein filed an application seeking mining lease. Since no order has been passed in the above said surrendering application, filed by Mr.Prabhu Raj, the petitioner's application has been rejected as a premature one by the first respondent, by an order dated 23.07.2013. Challenging the same, the present writ petition has been filed.

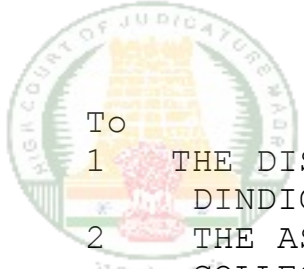
3. Today, when the matter is taken up for hearing, the learned Government Advocate appearing for the respondents submitted that at the time of the filing application by the petitioner, seeking for lease, a proposal to cancel the lease granted to Mr.Prabhu Raj was pending. In view of the same, the petitioner's application for grant of lease was not considered. Now, by an order dated 17.07.2013, the Commissioner of Geology and Mining, Guindy, Chennai, accepted the surrender of lease of Mr.V.Prabhu Raj and as on date, no lease stands in the name of Mr.V.Prabhu Raj as the 4th respondent revoked the lease granted in favour of Mr.V.Prabhu Raj. He further submitted that in the event of the petitioner filing a fresh application, the same will be considered.

4. In the above circumstances, the petitioner is directed to file a fresh application seeking for mining lease and in the event of filing such application, the first respondent is directed to consider the same and pass orders, on merits and in accordance with law.

5. Accordingly, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/
Assistant Registrar(AS)

/True Copy/



To

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GUINDY, CHENNAI.

+1CC to M/S.T.Antony Arul Raj, Advocate, SR.No. 71787
+1CC to the Special Government Pleader, SR.No. 72431

W.P (MD) No.13757 of 2013

vs

AM/MPA/SAR-3/30.11.2016/3P/7C (IT)