

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 03.01.2017

DELIVERED ON : 15.03.2017

Coram

The Honourable Mr. Justice RAJIV SHAKDHER

Writ Petition No.36208 of 2015

1.S.S.Minerals

Rep. by its Managing Partner,
L.Samuel Baskaran
6/9 Kasturi Estate 3rd Street
Poes Garden Chennai-86.

.... Petitioner

Vs

1.The State of Tamil Nadu

Rep. by its Secretary to Government
Industries Department Fort St. George
Secretariat Chennai-9.

2.The District Collector

Tiruchirappalli District Tiruchirappalli.

3.Thiru. C.V.Shankar I.A.S.

Additional Chief Secretary to Government
Industries Department Fort St. George
Secretariat Chennai-9.

4.Additional Chief Secretary to

Government Industries Department Fort St.
George Secretariat Chennai-9.

.... Respondents

PETITION filed under Article 226 of The Constitution of India praying for the issuance of Writ of Certiorarified Mandamus calling for the records of the 4th Respondent in G.O.Ms.No.264 dated 02.11.2015 and quash the same and direct the Respondents to execute the lease deed in accordance with the G.O.Ms.No.57 Industries (MMD1) Department dated 03.11.2010 in a time bound manner.

For Petitioner : Mr.Wilson, S.C.
for Mr.Richardson Wilson

For Respondents : Mr.R.Muthukumarasamy,
Advocate General
Assisted by Mr.S.Diwakar

O R D E R

1. This Writ Petition lays a challenge to the G.O.Ms.No.264 dated 02.11.2015, whereby, the petitioner's application for condonation of delay dated 07.08.2015 was rejected by the first respondent/State Government.

1.1. Along with the captioned Writ Petition, four (4) other Writ Petitions were heard by me. These being: W.P.Nos.36204 to 36207 of 2015.

2. Counsels were agreed that W.P.No.36204 of 2015 be treated as the lead Writ Petition and, accordingly, common submissions were made qua all writ petitions, including the captioned petition.

3. Apart from the captioned Writ Petition, the other Writ Petitions referred to above are filed by an entity going by the name Riverways Mines and Minerals Limited.

4. It is a common ground between parties and their counsels, that, there is a similarity of circumstances and, therefore, the issues, which arise in the captioned Writ Petition, are similar to those, which arise in W.P.No.36204 of 2015.

5. Counsels, at the commencement of the hearing in the case, had indicated that, the decision, which is reached by the Court in W.P.No.36204 of 2015 would apply to this case also.

6. Since, I have allowed W.P.No.36204 of 2015 and remanded the matter to the first respondent/State Government, similar conclusion is reached by me, in this matter as well.

7. Therefore, applying the decision rendered in W.P.No.36204 of 2015, the impugned order, i.e., G.O.Ms.No.264, dated 02.11.2015, is set aside.

8. The first respondent/State Government is directed to re-consider the case of the petitioner, in the light of the notification dated 11.07.2016, after taking into account, the observations made by the Central Government and the concerned departments, which would include DAE and AERB.

9. The captioned writ petition is allowed in terms of judgement passed in W.P.No.36204 of 2015. Resultantly, pending miscellaneous applications shall stand closed as well. There shall, however, be order as to costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

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To

- 1.The Secretary, Industries Department,
Government of Tamil Nadu,
Secretariat, Fort St. George
Chennai-600 009.
 - 2.The District Collector,Tiruchirappalli District
Tiruchirappalli.
 - 3.The Additional Chief Secretary to Government,
Industries Department, Government of Tamil Nadu,
Secretariat, Fort St. George,
Chennai-600 009.
- +1cc to Mr. Richardson Wilson, Advocate Sr. 16821
- +1cc to the Government Pleader, Sr. 16518

सत्यमेव जयते

Order in
Writ Petition Nos.36208 of 2015

KS(CO)
VR(11/04/2017)

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