

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.12.2017

CORAM

THE HONOURABLE Mr. JUSTICE V.PARTHIBAN

W.P.No.31742 of 2006

and

M.P.No.2 of 2006

R.Baby

... Petitioner

Vs.

1.The Secretary to Government,
Industries Department,
Fort St. George, Chennai - 9.

2.The Commissioner of Geology and Mines,
Guindy, Chennai - 32.

3.The District Collector,
Erode District, Erode.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the entire records in relating to the impugned order passed by the 1st respondent in G.O.Ms.No.55, Industry MMC1 (Department), dated 04.05.2006 and quash the same.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.R.S.Selvam

Government Advocate

ORDER

The prayer in the writ petition is as follows:

To issue a Writ of Certiorari calling for the entire records in relating to the impugned order passed by the 1st respondent in G.O.Ms.No.55, Industry MMC1 (Department), dated 04.05.2006 and quash the same.

2.According to the petitioner, she was a successful bidder for quarrying of stone in S.F.No.358/A, Eastern Side, over the area of 4.85.5 hectares in Keeranur Village, Kangeyam Taluk, Erode District. Original quarrying was for the period from 27.03.1995 to 31.03.1999. According to the petitioner, there was some intervention from the third parties preventing

the petitioner from carrying on her quarry operation and therefore, she was constrained to move this Court on more than two occasions and some direction was given by this Court and she was allowed to quarry till the end of the period as per the original lease agreement. Thereafter, she submitted a representation for extension of lease period and the quarry period was extended by orders of this Court for two more years. However, there was some due from the petitioner to the respondents in respect of certain fee payable for the quarry operation.

3. In the said circumstances, on 04.05.2006, the 1st respondent passed G.O.Ms.No.55, Industry, MMC1 (Department), directing the petitioner to pay Rs.75,000/- as seigniorage fee. Against the said order, the present writ petition has been filed.

4. According to the petitioner, the said demand was invalid, since the petitioner had not utilised the total transport permits granted to her. Except that there was no other ground has been mentioned in the affidavit for assailing the impugned demand by the 1st respondent.

5. The learned counsel appearing for the petitioner reiterated from the grounds as mentioned in the affidavit filed in support of the writ petition. However, this Court, after going through the materials and pleadings placed on record, does not find any merit in the grounds for interfering with the order passed by the 1st respondent.

6. It appears that the petitioner had been time and again approaching this Court under some pretext and other and got some orders. But, the present writ petition seeking to challenge the impugned notice cannot be sustainable both on law and on facts that this Court finds that the order passed by the 1st respondent dated 04.05.2006 had taken into account all aspects of the matter and the explanation of the petitioner given.

7. In view of the same, this Court dismisses the Writ Petition as devoid of merits and substance. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Sgl

To

1.The Secretary to Government,
Industries Department,
Fort St. George, Chennai - 9.

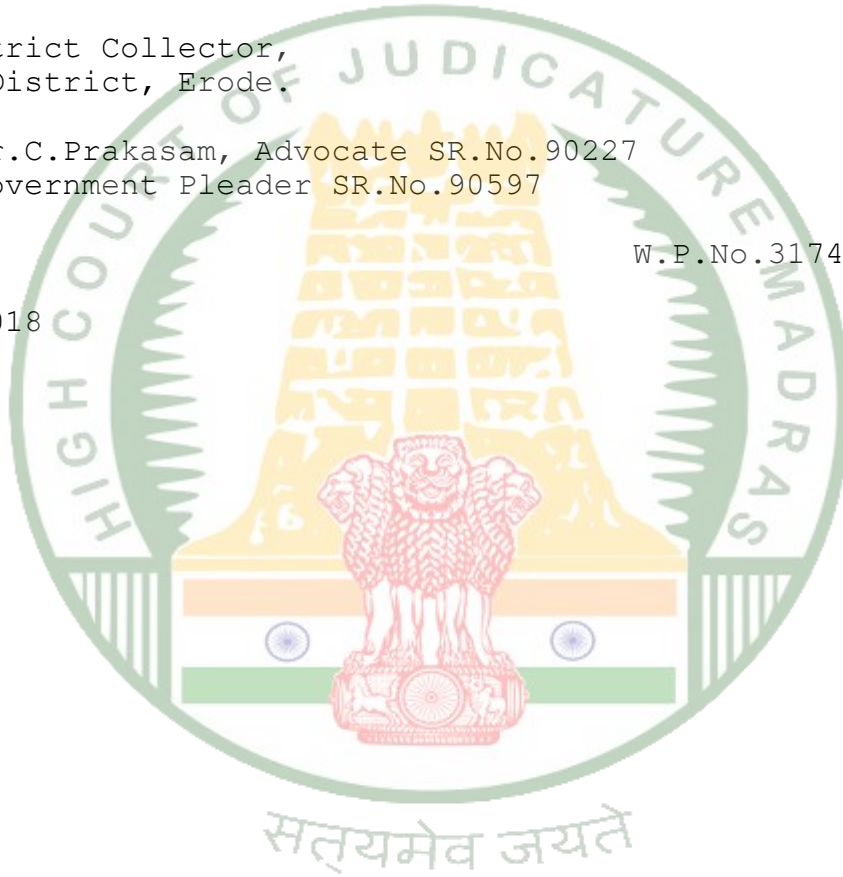
2.The Commissioner of Geology and Mines,
Guindy, Chennai - 32.

3.The District Collector,
Erode District, Erode.

+lcc to Mr.C.Prakasam, Advocate SR.No.90227
+lcc to Government Pleader SR.No.90597

W.P.No.31742 of 2006

SV(CO)
sm:10.1.2018



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