

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2017

CORAM

THE HONOURABLE Mr. JUSTICE R. SURESH KUMAR

W.P.No.11808 of 2003

M/s.K.G.M.Minerals P. Ltd.

Rep. by its Managing Director,

K.R.Ramakrishnan,

107, State Bank Colony,

III Phase, Salem 636 004.

... Petitioner

Vs.

1.The Government of India,

Rep. by its Joint Secretary to Government,

Ministry of Mines,

Shastri Bhavan, New Delhi.

2.The State of Tamil Nadu,

Rep. by its Secretary to Government,

Industries Department,

Fort St. George, Chennai-9.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, to call for the records of the first respondent in his final order No.17/2003 dated 11.03.2003 and quash the same and direct the 2<sup>nd</sup> respondent to reconsider the petitioner's application dated 05.02.1992, filed for the grant of mining lease for quarrying lime stone in respect of the petitioner's patta lands situated in S.F.Nos.416 [Part], 420 [Part], 421 [Part] and 429 [Part] etc. over an extent of 6.97.0 hectares in Valajanagaram Village, Ariyalur Taluk, Ariyalur District.

For Petitioner : Mr.K.R.Krishnan

For Respondents : Mr.J.Madhana Gopal Rao

Senior Counsel for R1

Mr.A.Zakkir Hussain,

Government Advocate for R2

ORDER

The prayer sought for in this Writ Petition is for a Writ of Certiorarified Mandamus, to call for the records of the 1<sup>st</sup> respondent in his final order No.17/2003 dated 11.03.2003, quash the same and to direct the 2<sup>nd</sup> respondent to reconsider the petitioner's application dated 05.02.1992, filed for the grant of mining lease for quarrying limestone in respect of the petitioner's patta lands situated in S.F.Nos.416 [Part], 420 [Part], 421 [Part] and 429 [Part] etc., over an extent of 6.97.0 hectares in Valajanagaram Village, Ariyalur Taluk, Ariyalur District.

2.Heard Mr.K.R.Krishnan, learned counsel appearing for the petitioner, Mr.J.Madhana Gopal Rao, learned Senior Central Government Counsel appearing for the 1<sup>st</sup> respondent and Mr.A.Zakkir Hussain, learned Government Advocate appearing for the 2<sup>nd</sup> respondent.

3.Mr.K.R.Krishnan, learned counsel appearing for the petitioner submitted that the petitioner sought for permission of mining lease for quarrying limestone at its patta land. The said request was rejected by the impugned order dated 11.03.2003 on the ground that no mining lease will be granted within a radius of 20 Kms surrounded by TANCEM and the lands to an extent of 1000 acres are reserved by the State Government for the exploitation of TANCEM. The lands had been acquired for the purpose of mining by the Government Organisations. Therefore, the said rejection order dated 11.03.2003 is under challenge in this Writ Petition.

4.The learned counsel appearing for the petitioner would also submit that as against the acquisition proceedings, a number of Writ Petitions have been filed before this Court and the said cases were dismissed including Writ Appeals. As against which, Special Leave Petitions were filed by the parties concerned in S.L.P.No.3738 of 2007, etc. batch, where the acquisition proceedings was stayed and thus, SLP is still pending, he contended.

5.In view of pendency of the issue before the Hon'ble Apex Court, it is submitted by the learned counsel appearing for the petitioner that, this Writ Petition may be disposed of with liberty to the petitioner to approach this Court, after the decision to be made ultimately in the pending SLP, depending upon the outcome of the said case.

6.The aforesaid submission made by the learned counsel appearing for the petitioner has not been opposed by the learned counsel appearing for the respondents and they also confirmed that the matters are pending before the Hon'ble Apex Court and the issue will be decided one way or other.

7.In view of the submissions made by the learned counsel appearing for the petitioner as well as the learned Senior counsel appearing for the respondents, this Writ Petition is dismissed with liberty to the petitioner to approach this Court at a later point of time, if on such a need arises, depending upon the outcome of the decision to be made by the Hon'ble Apex Court in S.L.P.No.3373 etc., batch cases, which are at present pending before the Hon'ble Apex Court.

With these observations, this Writ Petition is dismissed.  
No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mps

To

1.The Joint Secretary to Government,  
Government of India,  
Ministry of Mines,  
Shastri Bhavan, New Delhi.

2.The Secretary to Government,  
State of Tamil Nadu,  
Industries Department,  
Fort St. George, Chennai-9.

+1cc to Mr.K.R.Krishnan, Advocate, S.R.No.86510

+1cc to Mr.J.Madanagopal RAO, Advocate, S.R.No.86448

+1cc to the Government Pleader, S.R.No.87413

W.P.No.11808 of 2003

RRK(17/01/2018)

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