

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.01.2017

CORAM

THE HONOURABLE Mr.JUSTICE RAJIV SHAKDHER

W.P.No.44796 of 2016

Eastern Eagle Quartz Exports,
Rep. by its Partner P.Velumani
No.2/24, Peranaidu Street,
P.N.Palayam,
Coimbatore 641 037.

... Petitioner

Vs

1.The District Collector,
Coimbatore District,
Coimbatore 641 018.

2.The Deputy Director,
Department of Geology & Mining,
District Collectorate Campus,
Coimbatore 641 018.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus to direct the respondents to consider the continuous petitioner's representations dated 16.03.2015, 04.09.2015, 12.09.2015 & 19.09.2015 and determine the lease dated 30.07.2006 issued by the first respondent and subsequently declare the closure of the petitioner's mine to an extent of 1.06.0 hectares situated in Survey No.845/3 B[P] & 845/3 A1[P] at Chettipalayam Village, Coimbatore South Taluk, Coimbatore District.

For Petitioner : Mr.A.Suresh Sakthi Murugan

For Respondents : Mr.C.Jagadish,
Special Government
Pleader [Tax]

O R D E R

1. Issue notice. Mr.C.Jagadish, learned Special Government Pleader, accepts notice on behalf of the respondents.

2. With the consent of counsels for parties, the Writ Petition is taken up for final hearing and disposal.

3. The limited direction that the petitioner firm seeks is, consideration of its representation, for closure of the subject mines. Broadly, it is the petitioner's firm case that they have been granted mining license, as far back as in 2005, to quarry Quartz and Feldspar. It is stated that for this purpose, they entered into a lease with one Sivakumar, in respect of lands, which are situated in Chettipalayam.

4. It is further stated that the leased land ad measure 2.69 acres.

4.1. According to the petitioner firm, a part of the leased land qua which, it had permission to carry out mining, has been acquired by the State to construct a railway track.

5. It is in this background, that the petitioner firm seeks, revocation of license, as it would not be in a position to carry on mining activity, in at least, a part of the land leased to it. The petitioner firm says that representations in this behalf have been made, which are dated 16.03.2015, 04.09.2015, 12.09.2015 & 19.09.2015.

6. Mr.C.Jagadish, who appears for the respondent says that, if, the aforementioned representations have been made, the same shall be disposed of by the second respondent.

7. Having regard to the aforesaid facts and circumstances and given the averments made before me, the Writ Petition is disposed of with a direction to the second respondent, to consider and pass a speaking order vis-a-vis the representations filed by the petitioner. Needless to say, the said exercise will be conducted by the second respondent with due expedition, though, not later than eight (8) weeks from the date of receipt of a copy of the order. The second respondent will also afford a personal hearing to the authorised representative of the petitioner in this behalf. There shall, however, be no order as to costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

gya

To

1.The District Collector,
Coimbatore District
Coimbatore-641018

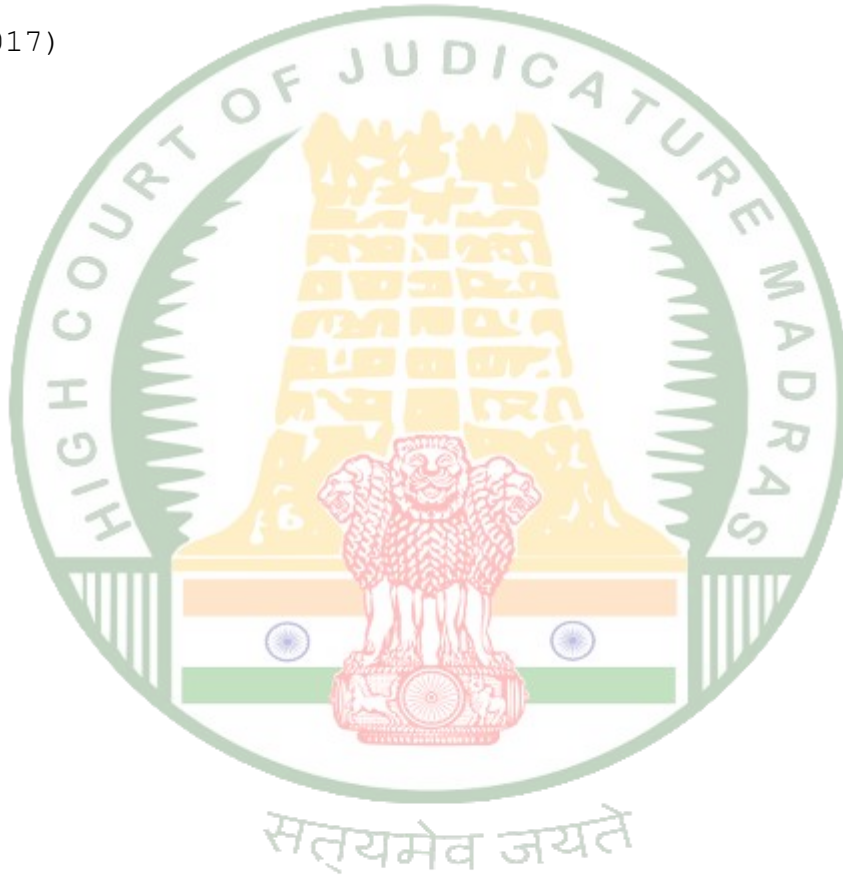
2.The Deputy Director,
Department of Geology & Mining
District Collectorate campus,
Coimbatore -641018

+1cc to Mr.A.Suresh Sakthi Murugan, Advocate sr.188

+1cc to Government Pleader sr.744

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sr(co)
ss(30/1/2017)



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