

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2017

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.34852 of 2003

M/s.Magam Inc.,
Rep. by Mrs. V. Lalitha,
B-254, 50th Street,
Ashok Nagar,
Chennai - 600 083.

... Petitioner

vs.

1. State of Tamilnadu,
rep. by its Secretary to Government,
Industries Department,
Fort St. George,
Chennai - 600 009.

2. The District Collector,
Dharmapuri District,
Dharmapuri.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Mandamus, to forbear the respondents from in any way interfering with the petitioner's right to continue quarry operations and transport granite from petitioner's patta lands measuring 0-65-0 Hectares (1-60 Acres), comprised in S.No.90/2A, situated in THIMJEPALLI Village, Denkanikottai Taluk. Dharmapuri District till the disposal of the petitioner's renewal application dated 17-05-2003.

For Petitioner : Mr.K.Ramakrishna Reddy
For Respondents : Mr.Akhil Akbar Ali, GA

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O R D E R

When the matter is came up for hearing, it is represented by the learned counsel for the petitioner that the respondents have rejected the renewal application of the petitioner on the ground that the application for renewal has been presented belatedly i.e., in the month of May. He further submitted that when similar issue came up for consideration, this Court by an order dated 18.07.2012 in W.P.No.17377 of 2006, has directed the Government to consider the renewal application of the

petitioner and pass appropriate orders within a period of four months and the relevant paragraph No.6, is extracted as under:

'6.In the light of the above decision rendered by the Division Bench of this Court as well as the order passed by the learned Single Judge, there shall be a direction to the State Government to fix the revised rental/charges in accordance with law within a period of thirty days from today and after fixing the rental/charges, the petitioner shall pay the lease amount within eight weeks. The State Government shall consider the application for renewal of the petitioner within a period of eight weeks thereafter and the above exercise shall be completed within four months from today. In the meantime, the petitioner is entitled to carry on quarrying operations till the application for renewal is considered and disposed of by the State Government.'

2.It is represented by the learned counsel for the respondents that if application for renewal is filed, the respondents will consider the same and pass appropriate orders within the time stipulated by this Court.

3.In view of the above submission, the respondents are directed to consider the request of the petitioner within a period of four weeks from the date of receipt of a copy of this order and till such time the present position shall continue.

4.The petitioner is directed to appear before the first respondent on 31.08.2017 and if the petitioner fails to appear on that date for any reason whatsoever, the respondents, thereafter shall pass appropriate orders based on the materials available on record, recording the absence of the petitioner. The petitioner shall not be allowed to take a plea at the later stage that he has not been afforded an opportunity of personal hearing and the respondent shall pass orders on or before 08.09.2017.

5. The writ petition is disposed of with the above observation and directions. No costs.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To:

1. The Secretary to Government,
State of Tamilnadu,
Industries Department,
Fort St. George,
Chennai - 600 009.

2. The District Collector,
Dharmapuri District,
Dharmapuri.

+ 1 cc to Mr.K.Ramakrishna Reddy Advocate, SR.50806

+ 1 cc to The Govt.Pleader, SR.52357

Order in
W.P.No.34852 of 2003

MN(CO)
NR 24/08/2017



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