



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.04.2017**

CORAM:

THE HONOURABLE **MR.JUSTICE T.S.SIVAGNANAM**
AND
THE HONOURABLE **MR.JUSTICE P.VELMURUGAN**

W.A.(MD).No.186 of 2017 &
C.M.P.(MD).No.1971 of 2017

Pudukottai District Crusher Jalli Producers Welfare
Association,

Rep by its Secretary Ramesh Babu,
Having office at DAS Building,
4085/227, South 4th Street,
Pudukottai.

...Appellant

Vs.

1.The State of Tamil Nadu,
Rep by its Secretary,
Industries Department,
Fort St. George,
Chennai.

2.The District Collector,
Pudukottai District,
Pudukottai.

3.The Deputy Director of Geology and Mining,
Pudukottai District,
Pudukottai.

... Respondents

PRAYER: Writ Appeal is filed under Clauses 15 of Letters Patent to set aside the order, made in W.P.(MD).No.25021 of 2016, dated 11.01.2017.

Prayer in WP(MD). 25021/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus to call for the records pertaining to the 1st respondents G.O.(Ms) No.19 Industries (MMD1) Department dated 25.01.2011 quash the same and direct the respondents not to interfere with the members of petitioners right to deal with the stone either rough or processed which has been transported with valid transport permits by paying necessary seigniorage.



For Appellant

: M/S.R.Yamuna

For Respondents

: Mr.S.Chandra Sekar
Government Advocate

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JUDGMENT

[Judgment of the Court was made by **T.S.SIVAGNANAM, J**]

The writ petitioner claiming themselves to be an association sought to quash the G.O.Ms.No.19, Industries (MMD 1) Department, dated 25.01.2011 and also sought for a direction to the respondents not to interfere with the right of the members of the petitioner association to deal with stone either rough or processed which has been transported with valid transport permits.

2. The Writ Court passed the impugned order after taking into consideration the submissions made on behalf of the respondents that the provisions of the Tamil Nadu Prevention of Illegal Mining, Transportation and Storage of Minerals and Mineral Dealer's Rules, 2011 was considered and upheld by directing the State Government to issue appropriate direction to the District Collectors to prevent illegal mining and strict enforcement of the provisions to be made.

3. Further, in our view, the petitioner has no independent right as an association. An association cannot be an applicant for a mineral lease or for a license. Thus, the prayer sought for in the Writ Petition is misconceived. The appellant has not made out any ground to interfere with the order. The writ appeal fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

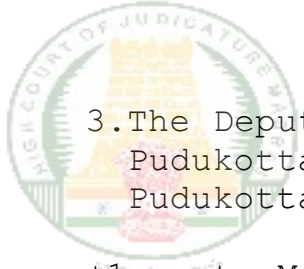
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Sub Assistant Registrar

To

1.The State of Tamil Nadu,
Rep by its Secretary,
Industries Department,
Fort St. George,
Chennai.

2.The District Collector,
Pudukottai District,
Pudukottai.



3.The Deputy Director of Geology and Mining,
Pudukottai District,
Pudukottai.

+1 cc to Mr.R.Yamuna , Advocate in SR.No. 50014

+1 cc to Special Government Pleader in SR.No:50211

jikr

AE/SV MMS/SAR3/18.04.2017/3P/6C

JUDGMENT MADE IN
W.A. (MD) .No.186 of 2017 &
C.M.P. (MD) .No.1971 of 2017
04.04.2017