



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. (MD) No.2141 of 2017

WEB COPY

M/s.Shiva Blue Metals,
Rep. By its Partner,
R.Ananda Maheshwaran,
No.9, Doovi Puram,
8th Street, Tuticorin-628 003.

... Petitioner

-vs-

1. The State of Tamil Nadu,
Rep. by its Additional Chief Secretary,
Industries MCC1 Department,
Fort St.George, Chennai.

2. The Commissioner of Geology and Mining,
Thiru Vi.Ka.Industrial Estate,
Guindy, Chennai-600 032.

3. The District Collector,
Tuticorin, Tuticorin District/

4. The Revenue Divisional Officer,
Tuticorin, Tuticorin District.

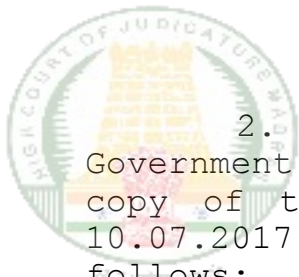
... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus to direct the 4th respondent to refund the cost of mineral and the levy of penalty unlawfully made against the petitioner by the 4th respondent by his proceedings in Rc.No.A2/6199/2011 dated 30.11.2012 in accordance with the order made by the 1st respondent in GO.2D.No.7 INDUSTRIES MCC 1 Department dated 08.02.2016 along with the attendant charges towards delayed payment of the same within the time that may be stipulated by this Honble Court.

For Petitioner	: Mr.M.Mahaboob Athiff For M/s.Ajmal Associates
For Respondents	: Mr.J.Gunaseelan Muthiah Govt. Advocate

O R D E R

This writ petition has been filed, seeking a direction to the 4th respondent to refund the cost of mineral and the levy of penalty unlawfully made against the petitioner by the 4th respondent by his proceedings in Rc.No.A2/6199/2011 dated 30.11.2012 in accordance with the order made by the 1st respondent in GO.2D.No.7, INDUSTRIES MCC 1 Department dated 08.02.2016 along with the attendant charges towards delayed payment of the same.



2. When the matter is taken up for hearing, learned Government Advocate appearing for the respondents has produced a copy of the proceedings of the Sub-Collector, Thoothukudi dated 10.07.2017 passed in ROC No.B2/6199/2011, wherein it is stated as follows:

"As per GO cited in the reference, action is being taken to release the amount excessively recovered from M/s Siva Blue Metals. A bill No.841 dated 03.07.2017 for Rs.10,65,668/- (Rupees Ten lakh sixty five thousand six hundred sixty eight only) an account of refund has already been submitted to the District Treasury Office, Thoothukudi. As per online status, the bill has been sanctioned by the DTO, Thoothukudi and the amount of Rs.10,65,668/- will be credited in to the Account of Sub Collector, Thoothukudi on 11.07.2017. It is also submitted that the amount will be handed over to M/s.Siva Blue Metals as a crossed cheque immediately on crediting the amount in to our bank account."

3. In view of the above, this petition is disposed of. No costs.

Sd/-
Assistant Registrar(Record)

/True Copy/

Sub Assistant Registrar

To:

1. The Additional Chief Secretary,
State of Tamil Nadu,
Industries MCC1 Department,
Fort St.George, Chennai.
2. The Commissioner of Geology and Mining,
Thiru Vi.Ka.Industrial Estate,
Guindy, Chennai-600 032.
3. The District Collector,
Tuticorin, Tuticorin District/
4. The Revenue Divisional Officer,
Tuticorin, Tuticorin District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.65251

+1cc to AJMAL ASSOCIATES in SR. No.65058

AR/RM

JS/KP/SAR.1/24.7.2017/2P-7C

W.P. (MD) No.2141 of 2017

12.07.2017