

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2018

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.16265 of 2011
and
M.P.Nos.1 and 2 of 2011

1.Chinnammal

2.R.Marappan

.. Petitioners

Versus

1.The Secretary to Government,
Industries Department, Secretariat,
Chennai.

2.The Director of Geology and Mining,
Guindy, Chennai - 35.

3. The Revenue Divisional Officer,
Tiruchengode - 637 211,
Namakkal District.

4.The Assistant Director,
Geology and Mining,
Collectorate,
Namakkal.

5.The District Collector,
Namakkal District,
Namakkal.

6. R.Palanisamy

.. Respondents

PRAYER:Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents 1 to 5 to take immediate action against the 6th respondent to prevent him from doing illegal mining exploitation of major mineral called limestone from the petitioner's patta lands in S.F.No.196/1 Sowthapuram, Tiruchengode Taluk, Namakkal District by considering the representations 24.02.2011, 30.03.2011 and legal notice dated 02.05.2011.

For Petitioner::	Mr.N.Manokaran
For R1 to R5 ::	Mr.M.Karthikeyan, Addl.Govt.Pleader
For R6 ::	Mr.V.Raghavacahri

ORDER

This Writ Petition has been filed to direct the respondents 1 to 5 to take immediate action against the sixth respondent to prevent him from doing illegal mining exploitation of major mineral called limestone from the petitioner's patta land in S.F.No.196/1 Sowthapuram, Tiruchengode Taluk, Namakkal District by considering the representations 24.02.2011, 30.03.2011 and legal notice dated 02.05.2011.

2. According to the petitioner, the officer(s) from the Indian Bureau of Mines, Chennai inspected the subject area bearing S.F.No.196/1 (once under a lease) dated 30.06.2011. As stated above, the Writ Petition has been filed with the aforesaid prayer against the sixth respondent restraining him from illegal mining exploitation of major mineral called limestone from the petitioner's patta lands in S.F.No.196/1 Sowthapuram, Tiruchengode Taluk, Namakkal District.

3. The learned counsel for the petitioner submitted that the fifth respondent-District Collector has passed the final order on 15.02.2013 in proceedings in R.C.No.71/Mines/2011 and after enquiry, it is stated that there exists no Rules for providing compensation to the pattadar Tmt.R.Marappan and Tmt.M.Chinnammal from the penalty amount levied for illegal mining of limestone. It is further stated therein that the mineral deposited below the ground belongs to the Government and therefore, the pattadars are not entitled for any compensation. It is also stated therein that the pattadars have no right to put pressure on the District Administration to stop the other mining leases granted to the sixth respondent (ex-lessee) Mr.R.Palanisamy.

4. Challenging the aforesaid order of the fifth respondent-District Collector, the ex-lessee, namely R.Palanisamy and the writ petitioners, have filed revision application before the Government of India, Ministry of Mines, New Delhi and in the aforesaid revision application, final order has been passed by the revisional authority, Ministry of Mines, New Delhi, directing the authorities to take necessary action to implement the said order. On the basis of the said final order, the order levying penalty of Rs.54,15,913/- was set aside and a direction was issued to the State Government to give an opportunity to the revision petitioner-R.Palanisamay (ex-lessee) to explain his case to the authorities concerned and thereafter shall take appropriate steps after adopting due procedure and law.

5. Pursuant to the above order of the revisional authority, Ministry of Mines, New Delhi, the ex-lessee/revision petitioner/R.Palanisamy was called for personal hearing on 01.12.2015 to put forth his explanation

and accordingly, the revision petitioner had appeared before the District Collector and submitted his written statement in that regard. After examining the written statement of the petitioners, the report of the IBM Officials and connected records, the District Collector, Namakkal had confirmed the earlier proceedings in Rc.No.71/Mines/2011, dated 15.02.2013.

6. Challenging the abovesaid order of the District Collector, Namakkal, dated 29.01.2016, the ex-lessee Thiru.R.Palanisamy had filed a revision petition before the Government of India, Ministry of Mines, New Delhi, vide revision application No.27(01)/2016/RC-II, dated 22.02.2016. The said revision petition is still pending before the Government of India.

7. In the light of the above facts, it is submitted by the learned counsel for the parties that there is no further adjudication required in this Writ Petition. Accordingly, this Writ Petition shall stand dismissed as having become infructuous. No costs. Consequently, the Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Co)

//True Copy//

Sub Assistant Registrar

nvi

To

1.The Secretary to Government,
Industries Department, Secretariat, Chennai.

2.The Director of Geology and Mining,
Guindy, Chennai - 35.

3. The Revenue Divisional Officer,
Tiruchengode - 637 211,
Namakkal District.

4.The Assistant Director,
Geology and Mining,
Collectorate, Namakkal.

5.The District Collector,
Namakkal District, Namakkal.

+1cc to Mr. V.Raghavacahri, Advocate SR.No.82533

+1cc to Mr.N.Manokaran , Advocate SR.No.82815

+1 CC TO GOVERNMENT PLEADER SR.NO. 82673

W.P.No.16265 of 2011 and
M.P.Nos.1 and 2 of 2011

ASK(02/01/2019)