

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2018

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.Nos.17628, 18569, 9594, 47460 of 2006
& 14744, 11370, 11371 of 2007
& Connected M.Ps.

W.P.No.17628 of 2006:

1 MAGAM INC.
REP. BY ITS PARTNER K. BALAJI CHENNAI-
BANGALORE ROAD CHEMBARAKKAM
CHENNAI - 602 103. [PETITIONER]

Vs

1 STATE OF TAMILNADU
REP. BY SECRETARY TO GOVERNMENT INDUSTRIES
DEPARTMENT FORT ST. GEORGE CHENNAI -9.
2 THE DISTRICT COLLECTOR
THIRUVANNAMALAI DISTRICT THIRUVANNAMALAI. RESPONDENTS

W.P.No.18569 of 2006:

1 M/S.POOSHYA EXPORTS (P) LTD.
REP. BY ITS MANAGING DIRECTOR K.
BADRINARAYANAN NO.254 B-50TH STREET ASHOK
NAGAR MADRAS-82. [PETITIONER]

Vs

1 STATE OF TAMILNADU
REP. BY SECRETARY TO GOVERNMENT INDUSTRIES
DEPARTMENT FORT ST. GEORGE CHENNAI-9.
2 THE DISTRICT COLLECTOR
DHARMAPURI DISTRICT DHARMAPURI.
... Respondents

W.P.No.9594 of 2006 :

- 1 M/S.GEM GRANITES
REP. BY ITS PARTNER S.R.KUMAR NO.78
CATHEDRAL ROAD CHENNAI-86.

[PETITIONER]

Vs

- 1 STATE OF TAMILNADU
REP. BY SECRETARY TO GOVERNMENT INDUSTRIES
DEPARTMENT FORT ST. GEORGE MADRAS-9.
- 2 THE DISTRICT COLLECTOR
THIRUVANNAMALAI DISTRICT THIRUVANNAMALAI. RESPONDENTS

W.P.No.47460 of 2006 :

- 1 M/S.UNIVERSAL GRANITES
REP. BY ITS MANAGING PARTNER N. KOKILA
RAJAGOUNDER THOTTAM KANGANOOR SAMPALPATTI
UTHANGARAI TK KRISHNAGIRI DIST

[PETITIONER]

Vs

- 1 THE STATE OF TAMILNADU
REP. BY ITS SECRETARY TO GOVT. INDUSTRIES
DEPT. FORT ST GEORGE CHENNAI 9
- 2 THE DIST COLLECTOR
KRISHNAGIRI DIST KRISHNAGIRI ...
Respondents

W.P.No.14744 of 2007 :

MR.P.RAJASEKARAN

[PETITIONER]

Vs

- 1 STATE OF TAMILNADU
REP BY SECRETARY TO GOVT. INDUSTRIES DEPT.
FORT ST. GEORGE CHENNAI 9.

2 THE DISTRICT COLLECTOR
MADURAI AND DT.

[RESPONDENTS]

W.P.No.11370 of 2007 :

PLUTO D GRANITES

REP. BY ITS MANAGING PARTNER P.K.SELVARAJ
NO.15C NETHAJI BYEPASS ROAD DHARMAPURI 701

[PETITIONER]

Vs

1 STATE OF TAMILANDU
REP. BY SECRETARY TO GOVT. INDUSTRIES DEPT.
FORT ST GEORGE CHENNAI 9

2 THE DIST COLLECTOR
KRISHNAGIRI DIST. KRISHNAGIRI

[RESPONDENTS]

W.P.No.11371 of 2007 :

1 PLUTO D GRANITES

REP. BY ITS MANAGING PARTNER P.K.SELVARAJ
NO.15-C NETHAJI BYEPASS ROAD DHARMAPURI 701

[PETITIONER]

Vs

1 STATE OF TAMILNADU
REP. BY SECRETARY TO GOVT. INDUSTRIES DEPT.
FORT ST GEORGE CHENNAI 9

2 THE DIST. COLLECTOR
KRISHNAGIRI DIST. KRISHNAGIRI

[RESPONDENTS]

Prayer in W.P.No.17628 of 2006: Writ Petition has been filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus Forbear the Respondents from in anyway interfering with the Petitioners right to continue quarry operations and transport granite from Government quarry lands measuring 2.76.0 Hectares comprised in S.No. 139/5 situated in Vettavalam Village Thiruvannamalai Taluk, Thiruvannamalai District till the disposal of the

Petitioners renewal application dated 26.12.2000 which was represented on 27.09.2001.

Prayer in W.P.No.18569 of 2006: Writ Petition has been filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to forbear the respondents from in anyway interfering with the petitioners right to continue quarry operations and transport granite from Government quarry lands measuring 2.25.5. Hectares comprised in S.No.46/1 (part) situated in Sudanur Village Palacode Taluk Dharmapuri District till the disposal of the petitioners renewal application dated 26.12.2000 which was represented on 9.11.2001.

Prayer in W.P.No.9594 of 2006: Writ Petition has been filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the Records pertaining to the 1st respondents letter bearing No.15956/M.M.B.1/2005-2 dated 01.03.2006 pertaining to the Government quarry lands measuring 4.00 Acres comprised in Survey No.56/6 (Part) situated in Rantham Village Thiruvannamalai Taluk Thiruvannamalai District (formerly Thiruvannamalai Sambuvarayar District) quash the same and direct the 1st respondent to grant renewal by reconsidering the petitioners renewal application dated 30.07.2004.

Prayer in W.P.No.47460 of 2006: Writ Petition has been filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus call for the records pertaining to the Ist respondents letter bearing No.16779/MMB.3/2005-1 dated 19.01.2006 pertaining to the Government quarry lands admeasuring the Survey No.674 in Madakklal Village Denkanikottai taluk Krishnagiri district quash the same and direct the Ist respondent to grant renewal by reconsidering the petitioners renewal application dated 10.02.2005.

Prayer in W.P.No.14744 of 2007 : Writ Petition has been filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus call for the records pertaining to the 1st respondents letter bearing 6077/M.M.B.1/2005-1 dt 16.8.2005 pertaining to the Government quarry lands measuring 2-00 acres in survey No.154/1 situated in Idayapatti village Madurai North Taluk Madurai district quash the same and direct the 1st respondent to grant renewal by reconsidering the petitioners renewal application dt 10.9.2004 under the granite conservation and development rules 1999.

Prayer in W.P.No.11370 of 2007 : Writ Petition has been filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus forbear the respondents from in anyway interfering with the petitioners right to continue quarry operations and transport granite on payment of necessary seigniorge from Government quarry lands measuring 4.82 Acres comprised in Survey no.347 (part) situated in PACHAPPANATTI village Denkanikottai taluk Krishnagiri Dt. (formerly Dharmapuri Dist.) till the disposal of the petitioners renewal application dt 11.2.2005.

Prayer in W.P.No.11371 of 2007 : Writ Petition has been filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the Ist respondents letter bearing No.20271/M.M.B.3/2005-1 dt:19.01.2006 pertaining to the Govt. quarry lands measuring 0.70 Acres in Survey No.411/1, 1.38 Acres in Survey No.420/1 and 2.34 Acres in Survey No.425/1 (part) totally measuring 4.50 Acres situated in BALEGULI Village Pochamapalli Taluk, Krishnagiri District (formerly Dharmapuri Dist.) quash the same and direct the Ist respondent to grant renewal by reconsidering the petitioners renewal application dt.11.2.2005 Granite Conservation and Development Rules 1999.

For Petitioner in
all the W.Ps. : Mr.V. Sanjeevi
Petitioner in W.P. 47460/2006.
Mr.K.Ramakrishna Reddy

For Respondents 1 & 2
in all the W.Ps.: Mr.T.N.Rajagopal
Government Pleader

COMMON ORDER

Since the issued involved in these writ petitions are one and the same all the writ petitions were taken up together and common order is being passed in these writ petitions.

2. All these writ petitions were filed seeking an order to forbear the respondents from in anyway interfering with the petitioners right to continue quarry operations and transport

granite from Government quarry lands till the disposal of the petitioners renewal application.

3. Mr.K.Ramakrishna Reddy, learned counsel appearing for the petitioners would submit that the writ petitions are covered by a Division Bench decision of this Court in W.P.No.25401 of 2003 & etc., batch and would submit that at the time of passing the aforesaid Division Bench order Rule 39 of the Mine Mineral Concession Rules was prevailing and the present Rule would be Rule 41 and 42 of the Tamil Nadu Minor Mineral Concession Rules and based on the division bench order if the petitioners satisfy Rule 41 and 42 of the Mine Mineral Concession Rules, the respondents are directed to consider the renewal application based on the relevant rules.

4. Learned Special Government Pleader appearing for the State would submit that after the Division Bench order of this Court, similar type of litigations were disposed of by this Court.

5. Learned counsel for the petitioner would fairly submit that a direction may be issued to pass orders on the renewal applications filed by the petitioners if the same is pending with the respondents till date.

6. In view of the fair submissions made by the learned counsel for the petitioners, these writ petitions are disposed of by directing the respondents to pass orders on the renewal application if any pending with the respondents in the light of the orders passed by the Division Bench of this Court as well as the Honourable Supreme Court and after following the relevant rules made thereunder within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
सहायक न्यायते
Assistant Registrar (CO)

True Copy

Sub-Assistant Registrar

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To,

1 STATE OF TAMILNADU
REP. BY SECRETARY TO GOVERNMENT INDUSTRIES
DEPARTMENT FORT ST. GEORGE CHENNAI -9.

2 THE DISTRICT COLLECTOR
THIRUVANNAMALAI DISTRICT THIRUVANNAMALAI.

3. THE DISTRICT COLLECTOR
DHARMAPURI DISTRICT DHARMAPURI.

4. THE DIST COLLECTOR
KRISHNAGIRI DISTRICT KRISHNAGIRI

5. THE DISTRICT COLLECTOR
MADURAI AND DISTRICT

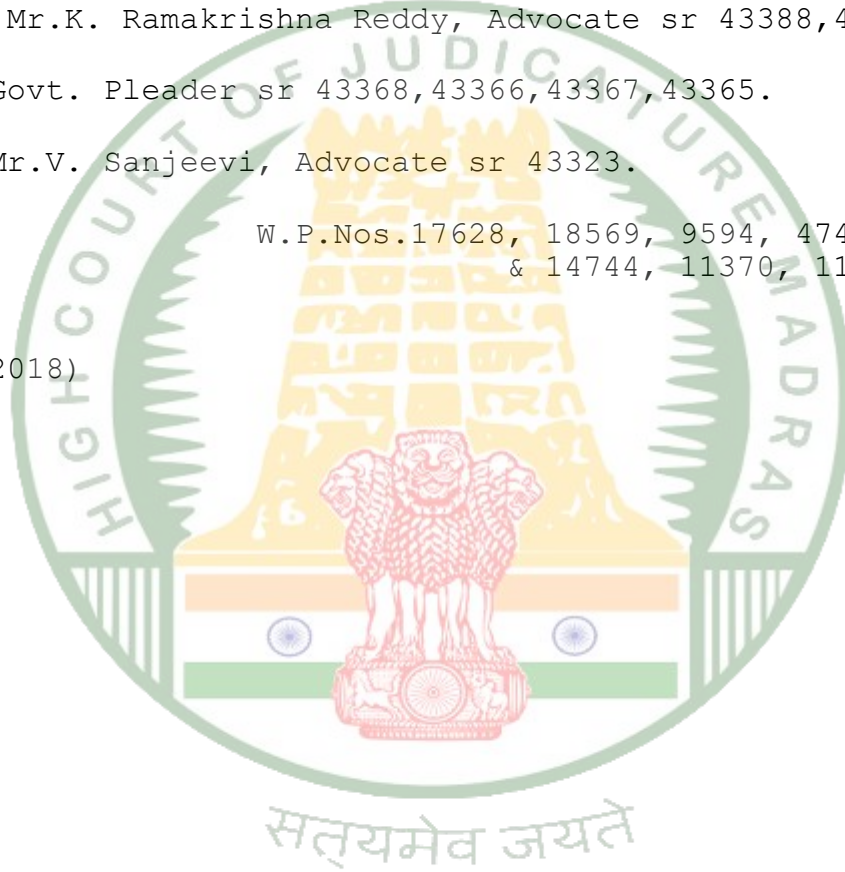
+6 Ccs to Mr.K. Ramakrishna Reddy, Advocate sr 43388,43389

+1 CC to Govt. Pleader sr 43368,43366,43367,43365.

+1 CC to Mr.V. Sanjeevi, Advocate sr 43323.

W.P.Nos.17628, 18569, 9594, 47460 of 2006
& 14744, 11370, 11371 of 2007

PVS(CO)
SP(16/08/2018)



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