

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.29378 of 2008

M/s A.G.Granites (P) Ltd.,
rep. By its Managing Director
Mr.M.Ramasamy
M.G.Colony
Harur 636 903
Dharmapuri District

... Petitioner

-vs-

1. State of Tamil Nadu
rep.by its Secretary to Government
Industries Department
Fort St.George
Chennai 600 009

2. The District Collector
Thiruvannamalai District
Thiruvannamalai

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the records pertaining to the first respondent's G.O. (D) No.166, Industries (MME1) Department dated 11.07.2008 pertaining to Government lands admeasuring 1.42.5 hectares comprised in S.F.No.290/1 and 294 situated in Royandapuram Village, Chengam Taluk, Thiruvannamalai District, quash the same, direct the first respondent to grant prospecting licence by reconsidering the petitioner's prospecting licence application dated 31.3.2007 for that area.

For Petitioner ::Mr.V.Sanjeevi

For Respondents::Mr.K.Ravikumar
Additional Government Pleader

ORDER

M/s A.G.Granites (P) Limited represented by its Managing Director Mr.M.Ramasamy, Harur, Dharmapuri District has filed this writ petition challenging the impugned order passed by the

Government rejecting the request of the petitioner for the grant of prospecting licence in respect of Government quarry lands for granite admeasuring 1.42.5 hectares comprised in S.F.Nos.290/1 and 294 situate at Royandapuram Village, Chengam Taluk, Thiruvannamalai District.

2. Learned counsel for the petitioner fairly submitted that the issue has been answered against the petitioner by the Division Bench of this Court in *Gem Granites, Cathedral Road, Chennai v. The State of Tamil Nadu* represented by Secretary to Government, Industries Department, Fort St.George, Chennai and another, 2010 (5) CTC 882.

3. In the judgment in *Gem Granites, Cathedral Road, Chennai v. The State of Tamil Nadu* represented by Secretary to Government, Industries Department, Fort St.George, Chennai and another, 2010 (5) CTC 882, the Hon'ble Division Bench has held as follows:-

"92. In our considered view, the learned Single Judge fell in error in striking down the entire Rule 8-A of TN MMC Rules. In the light of our discussion, we summarise our conclusions as under:

- (i) The Rule 8-A, sub-rule (3)(a) of TN MMC Rules introducing tender-cum-auction system is in the interest of mineral development and to ensure transparency and also in the interest of the revenue to the State.
- (ii) Rule 8-A, sub-rules (3)(a) and 5(c) of TN MMC Rules are well within the vires and there is no repugnancy to Section 15 of MMDR Act and GCD Rules.
- (iii) Rule 8-A, sub-rule (2)(a)(iii) and Rule 9(g) and (h) under which the grant of lease is tied up with the setting up of industry and having a distinct industrial programme in the State of Tamil Nadu and utilisation of the mineral in own industry is well within the legislative competence of the State and is not in any way contravention of Section 15 of MMDR Act or the provisions of the Constitution or GCD Rules.

93. In the Result, the order dated 26.3.2003 of learned Single Judge made in W.P.Nos.24199 of 2001, etc. batch is set aside and the Writ Appeals filed by the Government are allowed. W.P.Nos.1930

and 1931 of 1999 are dismissed. W.A.No.716 of 2000 is also dismissed as infructuous. Consequently, all the connected miscellaneous petitions including the implead petition in W.A.M.P.No.242 of 2007 are closed."

4. In the light of the above, as the issue raised by the petitioner is squarely covered by the Division Bench judgment cited supra, this writ petition stands dismissed. Consequently, M.P.Nos.1 & 2 of 2008 are also dismissed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government
Industries Department
Fort St.George
Chennai 600 009.

2. The District Collector
Thiruvannamalai District
Thiruvannamalai.

+1cc to the Government Pleader sr.24780

सत्यमेव जयते

W.P.No.29378 of 2008

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