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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2019

CORAM

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

W.P. 27337 of 2009
and
M.P.s 1 & 2 of 2009

M/s.Imperial Granites Private Ltd.,
rep. by its Director
Mr.S.R.Asaithambi,
No.76, Cathedral Road,
Chennai-600 086.

... Petitioner

Vs

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

2.The District Collector,
Namakkal District,
Namakkal.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent's G.O. (D) No.441, Industries (MMB2) Department dated 27.11.2009, signed on 10.12.2009, pertaining to the petitioner's leased patta land quarry measuring 5-00 acres, comprised in Survey Nos.76/2 and 83/5, situated in Kapilakurichi Village of Paramathivelur Taluk, Namakkal District, quash the same and direct the respondents to grant renewal of the quarrying lease by reconsidering the petitioner's renewal application dated 14.09.2005.

For Petitioner : Mr.K.Ramakrishna Reddy

For Respondent : Mr.J.Ramesh,
Addl. Govt. Pleader



O R D E R

This Writ Petition has been filed challenging the impugned order of the 1st respondent's G.O.(D) No.441, Industries (MMB2) Department dated 27.11.2009 pertaining to the petitioner's leased patta land quarry measuring 5-00 acres comprised in Survey Nos.76/2 and 83/5, situated in Kapilakurichi Village of Paramathivelur Taluk, Namakkal District and quash the same and direct the respondents to grant renewal of quarrying lease by reconsidering the petitioner's renewal application.

2. Today, when the matter was called, the learned counsel appearing for the petitioner would submit that the petitioner is an existing lessee and the lease was granted in favour of the petitioner for the period from 23.01.1995 to 22.01.2005. Before expiry of the lease, the petitioner has filed the renewal application. However, the renewal application was rejected on the ground that the petitioner has not commenced the mining operation for the last four years as per Sec.4A(4) of Mines and Minerals (Development and Regulation) Act, 1957, and another ground that the land is registered in the name of Asaithambi. The learned counsel would further submit that without his consent and on false grounds, the renewal application was rejected.

3. The learned counsel appearing for the petitioner would also submit that the very same issue was already settled by this Court in the case of P.Sivaprakasam Vs. Director of Geology and Mining, Guindy, Madras and others reported in AIR 1996 (Madras) 156 and the above said decision makes it clear that without giving opportunity of personal hearing, the said order has been passed. Hence, this matter may be remanded back for fresh consideration and permit the petitioner to mark documents if it is necessary.

4. The learned Addl. Government Pleader appearing for the State has conceded the request made by the learned counsel appearing for the petitioner.

5. In view of the above, without expressing any opinion, I am inclined to remand back the matter to the authorities and if it is otherwise found in order, the respondents are directed to pass appropriate orders within a period of eight weeks from the date of receipt of the copy of this order. However, the liberty is granted to the petitioner to file necessary documents before the concerned authorities. Accordingly, the Writ



Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

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//True Copy//

Sub Assistant Registrar

rpp

To

1.The Secretary to Government,
State of Tamil Nadu,
Industries Department,
Fort St. George,
Chennai-600 009.

2.The District Collector,
Namakkal District,
Namakkal.

+1cc to Mr.K.Ramakrishna Reddy, Advocate SR.60198

+1cc to Government Pleader, SR.60700

W.P. 27337 of 2009

and

M.P.s 1 & 2 of 2009

BP(CO)

CB(01/10/2019)