

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2019

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THE HON'BLE Mr. JUSTICE M.DHANDAPANI

W.P.No.421 of 2010

and

M.P.No.1 of 2010

C.Adhanam

... Petitioner

Vs

1.The Government of India,
rep.by its Secretary,
Ministry of Madras,
Sastri Bhavan,
New Delhi-110 001.

2.The Government of Tamil Nadu,
rep.by its Secretary to Government
Industries Department,
Fort St.George,
Chennai 600 009.

... Respondents

PRAYER: Writ Petition filed under Article 226 of The Constitution of India praying to issue a writ or order or direction, particularly in the nature of writ of Certiorarified Mandamus calling for the records of the first respondent relating to the final order No.59/2008 dated 05.12.2008 in the Revision Application No.27/14/2002-RC-II) filed by the petitioner confirming the order of the second respondent passed in G.O.(D) No.160, Industries (MMA2) Department, dated 10th June 2002, quash the same, direct the 2nd respondent to grant renewal of lease to the petitioner for mining Gypsum, for a period of 20 years from the land bearing S.Nos.320, 323, 324, and 325 admeasuring 7.36.0 Hectares in Melarasur Village, Lalgudi Taluk, Tiruchirappalli District.

For Petitioner: Mr.K.Muthukumarasamy

For Respondents: Mr.G.Baskaran

Central Government Standing

Counsel for R1

Ms.K.Bhuvaneshwari
Additional Government Pleader for R2

O R D E R

The petitioner is a Mining Operator. He has submitted his Mining Lease Application on 21.11.1990 to the Government of Tamil Nadu for grant of lease for mining from the poromboke land admeasuring to an extent of 29.13.7 hectares comprised in Survey Nos.271, 272, 275, 308, 309, 310, 311, 315, 316, 317, 319, 320, 323, 324 and 325 of Melarasur Village, Lalgudi Taluk, Trichirappalli District, for a period of 10 years. After considering the mining lease application, on obtaining the inspection reports and recommendations of the subordinate officers, by order dated 28.02.1996 vide G.O.2(D) No.57, Industries (MMA2) Department, granted mining lease to the petitioner for mining Gypsum from the land admeasuring to an extent of 7.36.0 Hectares in Survey nos.320, 323, 324 and 325 of Melarasur Village, Lalgudi Taluk, Trichirppali District for a period of 5 years.

2. The Lease Deed as prescribed in Form 'K' under Mineral Concession Rules, 1960 came to be executed between the petitioner and the District Collector, Trichirappalli on 04.06.1996 for a period of 5 years commencing from 04.06.1996 ending with 03.06.2001. The petitioner entitled for the renewal of lease before the expiry of lease period i.e., 2001 in terms of provisions of Rule 24A of the Mineral Concessions Rules, 1960. Accordingly, the petitioner made an application in the year 2000 itself before 12 months of the expiry of lease period. However, the renewal application is rejected on the ground that already the lease was granted in the re-grant land owned by the Tamil Nadu Housing Board.

3. The learned counsel appearing for the petitioner would submit that though initially lease was granted for the land owned by the petitioner, however subsequently, the State Government notified the area in favour of Tamil Nadu Housing Board. Earlier the State Government granted mining lease in favour of Tamil Nadu Housing Board including the petitioner's land. Subsequently the Tamil Nadu Housing Board discontinued the mining activities in the above said land and the said lease has also declared as lapsed. There is no impediment for the State to grant renewal of license in favour of the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondents would submit that earlier, the policy of the Government for grant of lease is in favour of individuals. Subsequently, the policy of the Government is changed from the year 2015 and the mining lease was granted by following tender cum auction basis through e-auction. The policy and its procedures for awarding lease itself changed. Hence the petitioner may participate in the open auction notified by the Tamil Nadu Government.

5. This Court, without expressing any opinion on the merits of the case, is of the view that already lease period is expired in the year 2001 itself and till date, the petitioner is not operated in the mining area. Further the Government has changed the policy of granting lease and the mining licenses were granted only through tender cum auction notice through e-auction.

6. In view of the above, I am not inclined to entertain the writ petition. However liberty is granted to the petitioner to participate in the open tender process notified by the Government through E-auction.

7. The writ petition stands dismissed with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary,
Ministry of Madras, Sastri Bhavan, New Delhi-110 001.

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

+1cc to Mr.V.Sanjeevi , Advocate SR.No. 60646

+1cc to Mr.G.Baskaran , Advocate SR.No. 60590

+1 cc to Government Pleader Sr.No. 61190

W.P.No.421 of 2010

spd (CO)

A.SK(19/08/2019)