

S.MANIKUMAR, J.
AND
SUBRAMONIUM PRASAD, J.

(Order of this Court was made by S.MANIKUMAR, J.)

While disposing of the W.P.No.14250 of 2019 on 25.06.2019 at paragraph Nos. 8 & 9, we ordered as hereunder.

8. *Action has been taken pursuant to the directions issued. Fourth respondent has to submit his explanation and final orders have to be passed by the District Collector, Tiruvannamalai District, Tiruvannamalai. Learned Additional Government Pleader seeks three weeks time, from the date of receipt of the explanation, for passing final orders, in the enquiry initiated. Submission of learned Additional Government Pleader is placed on record.*

9. *The District Collector, Tiruvannamalai District, is directed to pass orders, in accordance with the Mines and Minerals Rules, 1962 and government orders passed from time to time, regarding illegal quarrying of mines, in Proceedings No.379/kanimam/2019, within a period of three weeks, from the date of receipt of explanation, but not later than 6th August 2019.*

2. We directed the Registry to post the writ petition on 08.08.2019 for

compliance, thus it is listed today. Based on the compliance report filed by the District Collector, Thiruvannamalai, Mr.E.Manoharan, learned Additional Government Pleader submitted that action as hereunder has been taken. Report of the District Collector, Thiruvannamalai/first respondent reads thus:-

COMPLIANCE REPORT FILED BY THE DISTRICT COLLECTOR, TIRUVANNAMALAI

1. I, K.S.Kandasamy, son of K.Subramani, Hindu, aged about 51 years, working as District Collector, residing at Collector's Bungalow, Vengikkal, Tiruvannamalai, Tiruvannamalai District do hereby solemnly affirm and sincerely state as follows:

2. I respectfully submit that, in obedience to the interim order of the Hon'ble High Court of Madras, dated 07.06.2019, in W.P.No.14250 of 2019 filed by one Thiru.Parthiban S/o.Perumal, a committee constituted vide letter Rc.No.379/Kanimam/2019 to inspect the subject alleged quarrying in SF.No.25/2 Elachery village, Cheyyar Taluk. As such, the committee comprising Revenue Divisional Office, Cheyyar, Assistant Director (Survey and Land records) and Assistant Director of Geology and Mining have inspected the alleged illegal quarrying area of SF.No.25/2 and submitted their report.

3. From the report, it is ascertained that, the 4th respondent i.e., the lessee of stone quarry in SF.No.65/6 has violated the lease granting order conditions abutting lease expired patta stone quarry SF.No.25/2 belongs to him and unlawfully encroached on it and quarried and transported 7632 cu.m of Rough stone illegally by misusing the current lease permit.

4. It is submitted that, as of the 4th respondent has committed the offence by contravening to the sub-section (1) and (1A) of Section 4 of Mines and Minerals (Development and Regulation) Act 1957. In this regard, a show-cause notice was issued to the 4th respondent vide Rc.No.379/Kanimam/2019 dated 20.06.2019, wherein directed to show-cause, why the lease granted in SF.No.65/6 for quarrying Rough Stone vide District Collector's proceedings Rc.No.78/Kanimam/2014 dated 20.07.2014 should not be cancelled? for the violation of lease granting order condition by means of non providing of safety distance and also explain why action should not be taken against you under section 21(5) of Mines and Minerals (Development and Regulation) Act 1957 for the offence made in contravene the sub-section (1) and (1A) of section 4 of Mines and Minerals (Development and Regulation) Act 1957, for indulging of illicit quarrying carried out in the lease expired quarry in SF.No.25/2?

5. Accordingly, a status report stating the above facts has been filed before the Hon'ble Court, as directed by the Hon'ble Court vide order dated 07.06.2019.

6. It is submitted that, in this regard, the above case has came up for hearing on 25.06.2019. Their Lordships have observed and directed as follows:

...7. From the status report, it could be seen that the fourth respondent has indulged in illegal quarrying, in S.No.25/2 and transported 7632 cubic meter of rough stone, which according to the learned Additional Government Pleader would be approximately Rs.40 lakhs.

8. Action has been taken pursuant to the directions issue. Fourth respondent has to submit his explanation and final orders have to be passed by the District Collector, Tiruvannamalai District, Tiruvannamalai. Learned Additional Government Pleader seeks three weeks time, from the date of receipt of the explanation, for passing final orders, in the enquiry initiated. Submission of learned Additional Government Pleader is placed on record.

9. The District Collector, Tiruvannamalai District, is directed to pass orders, in accordance with the mines and mineral rules, 1962 and government orders passed from time to time, regarding illegal quarrying of mines, in proceedings No.379/Kanimam/2019, within a period of three weeks, from the date of receipt of explanation, but not later than 6th August 2019.

10. With the above direction, writ petition is disposed of No costs. Consequently, the miscellaneous petition is closed.

11. Post on 08/08/2019, for compliance.

7. It is submitted that, in accordance with the compliance of the above Hon'ble Court order, the following are submitted,

- i. In response to the show-cause notice issued, vide dt.20.06.2019, the 4th respondent Thiru.B.Dheenana has submitted his explanation vide letter dated 01.07.2019, wherein, he has confessed the offence committed by him and requested to permit him to continue the quarry operation in SF.No.65/6 in which the lease is in currency.
- ii. Since the 4th respondent has accepted the offence made by him, action

has been initiated against him under section 21(5) of Mines and Minerals (Development and Regulation) Act 1957 for the contravention of Sub-section (1) and (1A) of section 4 of Mines and Minerals (Development and Regulation) Act 1957.

Section 21 of Sub-section (5) of Mines and Minerals (Development and Regulation) Act 1957 is read as follows:

“(5) Whenever any person raises, without any lawful authority, any mineral from any land, the State Government may recover from such person the mineral so raised, or, where such mineral has already been disposed of, the price thereof, and may also recover from such person, rent, royalty or tax, as the case may be, for the period during which the land was occupied by such person without any lawful authority.”

iii. Accordingly, an amount of Rs.29,00,160/- has been calculated and fixed as cost of mineral @ the rate of 380/cu.m as per G.O.(D).107, Industries (MMC2) Department dated 06.07.2017 and Rs.4,50,288/- as Seigniorage fees @ the rate of Rs.59/cu.m as per the Appendix I-A of Tamil Nadu Minor Mineral Concession Rules 1959 for the quantum of 7632 cu.m of rough stone illegally quarried and transported in the SF.No.25/2.

iv. For the violation of non-providing safety distance for the current lease quarry in SF.No.65/6 to the abutting lease expired quarry, an amount of Rs.4,51,000/- has been fixed as non refundable deposit to the District Mineral Foundation Trust, established at District Level for the welfare of mine affected areas/mine affected people.

v. As of, a total amount of Rs.38,01,448/- has been levied/fixed and orders has been passed vide District Collector's proceedings Rc.No.379/Kanimam/2019 dated 15.07.2019 against the 4th respondent and directed to remit the same in the appropriate head of accounts.

vi. As directed, the 4th respondent has remitted the above said amounts through Demand Drafts bearing No.20C 955939, 4TL 955940 and 4TL 955941 dated 30.07.2019, and the same has been realized and deposited in the appropriate head of accounts and the savings Bank of account of District Mineral Foundation Trust.

8. In view of the above, as directed by the Hon'ble High Court, appropriate order has been passed against the 4th respondent in accordance with the Act and rules and government orders passed from time to time regarding illegal quarrying of mines within the time prescribed by the Hon'ble High Court.

Hence, the Hon'ble Court may kindly accept the compliance report and pass appropriate orders as the court may deem fit and render justice.

Solemnly affirmed at Chennai
on this 7th day of August 2019
and signed his name in my presence

Sd/-
COLLECTOR
Tiruvannamalai District
Tiruvannamalai
Before Me

Sd/-
Assistant Director
Dept.of Geology & Mining
Thiruvannamalai District.

writ petition is closed. No costs. Consequently connected miscellaneous petition is also closed.

(S.M.K.,J) (S.P.,J)
08.08.2019

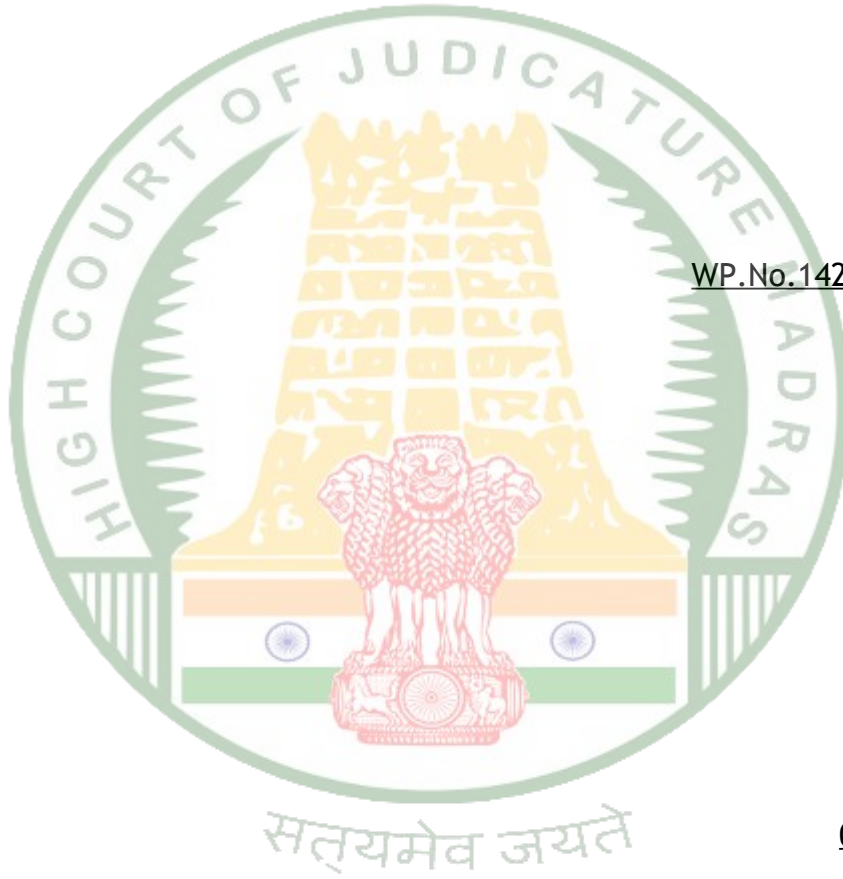
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AND
SUBRAMONIUM PRASAD, J

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WP.No.14250 of 2019

08.08.2019

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