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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2019

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 18288 of 2018

Mettur Minerals
Represented by its partner
Madhappan
7/195, Near Samathuvapuram bus stand,
Salem Mettur Main Road,
Salem District - 636 403

... Petitioner

-vs-

1. The Secretary,
Industries Department,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 009.

2. The Commissioner of Geology and Mining,
Guindy, Chennai.

3. The District Collector,
Erode.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents to process the Petitioner's lease application dated 22.08.2008 within a fixed time frame and grant lease for Quarrying Operations for a period of 20 years.

For Petitioner : Mr.T.K.S. Gandhi

For Respondents: Mr. M. Karthikeyan
Additional Government Pleader

O R D E R

Heard Mr. T.K.S. Gandhi, Learned Counsel for the Petitioner and Mr. M. Karthikeyan, Learned Additional Government Pleader appearing for the Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for a direction to the



Respondents to process the lease application dated 22.08.2008 made by the Petitioner within a fixed time frame and grant lease for quarrying operations for a period of 20 years.

3. The Third Respondent has filed a status report dated 07.11.2019 in response to the aforesaid contentions of the Petitioner, in which it has been stated as follows:-

"3. It is humbly submitted that Tvl.Mettur Minerals has preferred a quarry lease application on 22.08.2008 for the grant of Black Granite Quarry Lease over an extent of 1.18.5 hectares of patta lands in S.F.Nos.44/3B and 44/6 of Komarayanur village, erstwhile Bhavani Taluk, now Anthiyur Taluk, Erode District for a period of 20 years under Rule 19-A of Tamil Nadu Minor Mineral Concession Rules 1959.

4. It is humbly submitted that the District Collector, Erode, vide his letter in Roc.No. 52461/2008/X2, dated 09.03.2009 has forwarded the Black Granite Quarry lease application to the Government through the Director of Geology and Mining, Chennai with recommendation for grant of quarry lease.

5. It is submitted that in the Government letter No. 9356/MME.2/2009-5, dated 16.10.2019 it has been stated that the original quarry lease application of Tvl.Mettur Minerals dated 22.08.2008 is returned with a request to update the particulars as per the existing Rules and Regulations and send the revised proposal to the Government in full shape for consideration.

6. It is humbly submitted that the Director of Geology and Mining, Chennai has stated in his letter No. 2861/MM.4/2019, dated 24.10.2019 that "based on the proposal of the District Collector, the Director of Geology and Mining, recommended for the grant of quarry lease in favour of the applicant firm and forwarded the proposal to Government for orders. Further, on 16.10.2019 the Government have returned the original quarry lease application of Tvl. Mettur Minerals to the Director of Geology and Mining and informed to get updated application from the applicant in accordance with modified rules and send the proposal to Government in full shape for further action, if needed. Accordingly, the original quarry lease application of Tvl.Mettur Minerals dated 22.08.2008 and the proposal is returned by the Director of Geology and Mining, Chennai, to the District Collector, Erode, with a request to get



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updated application from the applicant firm in accordance with modified rules and send the proposal to the Government through the Director of Geology and Mining, Chennai, in full shape as per the Act and Rules, for further action.

7. It is submitted that in view of above, the District Collector, Erode vide his letter No.52461/2008/X-1, dated .11.2019 returned the Black Granite Quarry lease application of Tvl.Mettur Minerals, dated 22.08.2008, with a request to update particulars as per the existing Rules and Regulations and and send the revised application to the Government."

At this juncture, it would be necessary to refer to the dictum laid down by the Hon'ble Supreme Court of India in State of Tamil Nadu -vs- Hind Stone (1981 AIR 711), while dealing with the application made under the Mines and Minerals (Development and Regulation) Act, 1957, it has been held as follows:-

"13.While it is true that such applications should be dealt with within a reasonable time, it cannot on that account be said that the right to have an application disposed of in a reasonable tune clothes an applicant for a lease with a right to have the application disposed of on the basis of the rules in force at the time of the making of the application. None has a vested right to the grant or renewal of a lease and none can claim a vested right to have an application for the grant or renewal of a lease dealt with in a particular way, by applying particular provisions. In the absence of any vested rights in anyone, an application for a lease has necessarily to be dealt with according to the rules in force on the date of the disposal of the application despite the fact that there is a long delay since the making of the application...."

4. In view of the aforesaid legal position, it would necessarily follow that the requirement of the Respondents that the Petitioner should submit an updated application in accordance with the rules now in existence in the prescribed format is justified. Learned Counsel for the Petitioner submits that such updated application would be made by the Petitioner, which statement is placed on record.

5. If an updated application satisfying the requirements of the rules now in existence is submitted by the Petitioner, the concerned authority shall process the same on merits and in accordance with law and communicate the decision taken to the Petitioner expeditiously under written acknowledgment.



6. The Writ Petition is disposed on the aforesaid terms.
No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

kv/vjt

To

1. The Secretary,
Industries Department,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 009.
2. The Commissioner of Geology and Mining,
Guindy, Chennai.
3. The District Collector,
Erode.

+1cc to Mr.T.K.S.Gandhi, Advocate, S.R.No. 99844
+1cc to the Government Pleader, S.R.No. 99929

W.P. No. 18288 of 2018

GN(09/01/2020)