



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2019

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

WEB COPY

W.P(MD)No.10082 of 2012
and M.P(MD)No.2 of 2012

K.N.Solairajan
Rep. By its Power Agent,
C.Venkatasubbu

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Additional Chief Secretary to Government
Industries (MMB-1) Department,
Secretariat, Chennai - 9.

2.The Commissioner of Geology and Mining,
Industrial Estate, Guindy, Chennai - 32.

3.The District Collector,
Madurai District, Madurai - 20.

4.The Tahsildar,
Melur, Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorari, to call for the records relating to the impugned order passed by the first respondent in G.O.(D)No.127 Industries (MMB-1) Department, dated 06.07.2012 and quash the same.

For Petitioner : Mr.M.Mahaboob Athiff
for M/s.Ajmal Associates
For Respondents : Mr.K.Chellapandian,
Additional Advocate General
Assisted by Mrs.J.Padmavathy Devi,
Special Government Pleader.

ORDER

Costs were imposed on the earlier occasion for substantial delay in filing of counter. Today ie., 29.07.2019, learned Additional Advocate General appearing for Mrs.J.Padmavathi Devi, learned Special Government Pleader for the respondents files a memo on behalf of the fourth respondent / the Tahsildar, Melur and the second respondent / the Deputy Director of Geology and Mining, who are the officers-in-charge, praying for waiver of the costs on personal grounds.



2. Acceding to the prayer, the costs imposed are waived.

3. On merits, I am of the view that nothing survives in this Writ Petition and the same is liable to be allowed, particularly in the light of paragraph No.22 of the counter affidavit dated Nil, July 2019 stating as follows:

'It is submitted that based on the Evaluation Report, a show cause notice was issued to the petitioner herein under sub-Section (5) of Section 21 of Mines and Minerals (Development and Regulations) Act, 1957 for the recovery of the cost of minerals vide by the third respondent in Roc.No.943/2012-Mines dated 18.03.2013 calling upon the lessee to offer his explanation on 01.04.2013. Hence, the earlier show cause notice issued by the third respondent dated 24.07.2009 has become null and void.'

4. In the light of the admission to the effect that show cause notice dated 24.07.2009 has become null and void, the order impugned in this Writ Petition based on the aforesaid notice is set aside and this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Additional Chief Secretary to Government
Industries (MMB-1) Department,
Rep. by the State of Tamil Nadu,
Secretariat, Chennai - 9.

2. The Commissioner of Geology and Mining,
Industrial Estate,
Guindy, Chennai - 32.

3. The District Collector,
Madurai District, Madurai - 20.

4. The Tahsildar,
Melur, Madurai District.

+1 CC to SPL GP (SR-78723[F] dated 30/07/2019)

W.P (MD) No.10082 of 2012

29.07.2019