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**W.P(MD)No.23629 of 2019**

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2019

CORAM:

**THE HONOURABLE MR.JUSTICE M.GOVINDARAJ**

W.P (MD) No.23629 of 2019

and

WMP (MD) No.20242 of 2019

M.G.Minerals  
rep.by its Partner  
P.Kaliraj Kumar

... Petitioner

Vs.

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

2.The Commissioner of Geology & Mining,  
Department of Geology & Mining,  
Guindy, Chennai - 600 032.

3.The District Collector,  
Tirunelveli District, Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the respondents to consider the application of the petitioner dated 25.07.2014 for granting mining lease to mine the limestone over an extent of 2.46.0 Hectares of patta land vide patta No.8285 stands in the name of the Petitioner Firm in S.F.Nos.199/1B (0.48.0), 199/2B (0.33.0), 199/4B (0.29.5), 203/3(0.43.5) and 203/5 (0.92.0) of Perumalpatti Village, Sankarankovil Taluk, Tirunelveli District as per sub-section (2)(C) of Section 10-A of the Mines and Minerals (Development and Regulation) Amendment Act, 2015 and in view of the Mines and Minerals (Development and Regulation) Removal of Difficulties Order, 2017 by considering the representation of the petitioner dated 16.10.2019.

|                 |   |                                                     |
|-----------------|---|-----------------------------------------------------|
| For Petitioner  | : | Mr.S.Senthil                                        |
| For Respondents | : | Mrs.J.Padmavathi Devi<br>Special Government Pleader |

### **ORDER**

This writ petition is filed for a direction directing the respondents to consider the application of the petitioner dated 25.07.2014 for grant of mining lease to mine the limestone over the lands mentioned in the petition.

<https://hcservices.ecourts.gov.in/hcservices/>



2.Mrs.J.Padmavathi Devi, learned Special Government Pleader takes notice on behalf of the respondents. By consent, the writ petition is taken up for final disposal at the stage of admission itself.

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3.The petitioner has applied for mining lease to mine limestone at Perumalpatti Village, Tirunelveli District for a period of 30 years on 25.07.2014. The Revenue Divisional Officer, Tirunelveli has recommended the grant of license in favour of the petitioner on 21.08.2014. Thereafter, clearance was issued by the Chief Engineer, Agricultural Engineering Department, Principal Chief Conservator of Forest, Assistant Director, Geology and Mining Department, Tirunelveli. Thereafter, based on the recommendation made by the above authorities, the Commissioner of Town and Country Planning/ Member Secretary of Hill Area Conservation Authority recommended the grant of quarry license subject to the conditions imposed by the Agricultural Engineering Department, Forest Department and Geology and Mining Department on 18.05.2015. Pursuant to the clearance granted by these authorities, the third respondent recommended the application submitted by the petitioner to the second respondent for grant of license.

4.In the meanwhile, Mines and Minerals (Development and Regulation) Amendment Act, 2015 (hereinafter referred to as "the Act 10 of 2015") came into effect from 12.01.2015. As per Section 10-A of the said Act, all applications received prior to the date of commencement of the Act, 10 of 2015, shall become ineligible. However, certain exemptions are given to Section 10-A (1) vide 10-A (2). In so far as the petitioner is concerned, the relevant provision is 10-A(2)(c) of the Act 10 of 2015, as per which, if approval is granted by the Central Government or a letter of intent issued by the State Government to grant mining lease, before the commencement of the Act 10 of 2015, mining lease shall be granted subject to the fulfilment of the conditions of the previous approval or of the letter of intent within a period of two years from the date of commencement of the said Act.

5.Further, it is also relevant to note that the Mines and Minerals (Development and Regulation) Removal of Difficulties Order 2017 came to be published on 04.01.2017, empowering the State Government to issue environmental clearance for the pending applications of mining lease. When the matter stood thus, the second respondent has written a communication to the third respondent that in view of operation of Section 10-A(1) of the Act 10 of 2015, the petitioner has become ineligible and the application filed by the petitioner was returned to the third respondent. A copy of the same was also marked to the petitioner. Against which, the petitioner has made a representation dated 26.10.2017, setting out the exemption provided under sub Section 2(c) of Section 10-A of the Act 10 of 2015, and requested reconsideration of his application dated



25.07.2014. Thereafter, he has also submitted another representation on 16.10.2019 to consider the application which is now pending before the third respondent, in the light of the Mines and Minerals (Development and Regulation) Removal of Difficulties Order 2017. The said application is still pending before the respondents 2 and 3.

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6. Since the application is only returned and not rejected, considering the exemption granted under sub Section 2(c) of 10-A of the Act 10 of 2015, a direction is given to the respondents 2 and 3 to consider the application of the petitioner dated 25.07.2014 on the basis of the representation submitted by him on 16.10.2019 and pass orders within a period of four weeks from the date of receipt of a copy of this order.

7. The writ petition is disposed of with the above direction. No costs. Consequently, WMP(MD)No.20242 of 2019 is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

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To

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

2. The Commissioner of Geology & Mining,  
Department of Geology & Mining,  
Guindy, Chennai - 600 032.

3. The District Collector,  
Tirunelveli District,  
Tirunelveli.

+1 CC to Mr.S.SENTHIL, Advocate ( SR-97105[F] dated 08/11/2019 )

+1 CC to SPL GP ( SR-97270[F] dated 11/11/2019 )

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08.11.2019

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