

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.6617 of 2012
and M.P.Nos.1 and 2 of 2012
and W.P.No.6662 of 2012
and M.P.Nos.1 and 2 of 2012

K.JothilingamPetitioner in both W.Ps

Vs

1. The District Collector,
Thiruvallur District,
Thiruvallur - 602 001.
2. The Assistant Director of Mines,
District Collectorate, Thiruvallur District,
Thiruvallur 602 001.
3. The Revenue Divisional Officer,
Ponneri Sub Division,
Ponneri - 601 204.
4. The Tahsildar,
Gummidipoondi Taluk,
Gummidipoondi - 601 201.
5. The Block Development Officer,
Block Panchayat, Gummidipoondi,
Panchayat Union,
Gummidipoondi - 601 201.
6. The Village Administrative Officer,
Vaniyamalli Village,
Gummidipoondi Taluk.
7. The Superintendent of Police,
Thiruvallur District,
Thiruvallur - 602 001.
8. The Deputy Superintendent of Police,
Gummidipoondi Sub Division,
Bye Pass Road,
Gummidipoondi - 601 201.

9. A.Rajkumar ... Respondents in W.P.No.6617 of 2012

1. The District Collector,
Thiruvallur District,
Thiruvallur - 602 001.
2. The Assistant Director of Mines,
District Collectorate,
Thiruvallur District,
Thiruvallur 602 001.
3. The Revenue Divisional Officer,
Ponneri Sub Division,
Ponneri - 601 204.
4. The Tahsildar,
Gummidipoondi Taluk,
Gummidipoondi - 601 201.
5. The Village Administrative Officer,
Vaniyamalli Village,
Gummidipoondi Taluk.
6. The Superintendent of Police,
Thiruvallur District,
Thiruvallur - 602 001.
7. The Deputy Superintendent of Police,
Gummidipoondi Sub Division,
Bye Pass Road,
Gummidipoondi - 601 201.
8. G.V.R.Infra Projects Limited
Rep. by its General Manager
(Tamil Nadu) Mr.S.M.Ravi,
Vairams Complex, 4th Floor,
No.112, Thyagaraya Road,
T.Nagar, Chennai 600 01

...Respondents in W.P.No.6662 of 2012

Prayer in W.P.No.6617 of 2012: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus, forbearing the 1st Respondent from extending the period of license to quarry gravel under the License Order in Na.Ka.No.601/2011 dated 24.01.2012 issued by the 1st Respondent in favour of 9th Respondent and also from issuing fresh license to quarry gravel in S.No.195/2 or any other government lands in Vaniyamallee Village Gummidipoondi Taluk Thiruvallur District either to 9th Respondent or any other 3rd party thereby

safeguard the Minerals and Natural Resources in the said village and further direct the 1st Respondent to take appropriate penal action against the 9th Respondent under Tamil Nadu Minor Minerals Concession Act 1957.

Prayer in W.P.No.6662 of 2012: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus, forbearing the 1st respondent from extending the period of license to quarry gravel under the License Order in Na.Ka.No.5/2012 dated 24.01.2012 issued by the 1st respondent in favour of 8th respondent and also from issuing fresh license to quarry gravel in S.No.15 or any other government lands in Vaniamallee Village Gummidipoondi Taluk Thiruvallur District either to 8th Respondent or any other 3rd party thereby safeguard the Minerals and Natural Resources in the said village and further direct the 1st respondent to take appropriate penal action against the 8th respondent under Tamil Nadu Minor Minerals Concession Act 1957 r/w relevant Rules for the gross violation and flagrant misuse of the license order in Na.Ka.No.5/2012 dated 24/01/2012 issued by the 1st Respondent.

For Petitioner : Mr.T.Karunakaran
in both W.Ps

For Respondents-1 to 8
in W.P.No.6617 of 2012 :Mr.E.Manoharan
Special Government Pleader

For Respondents- 1 to 7
in W.P.No.6662 of 2012 :Mr.V.Shanmugasundar
Special Government Pleader
for R1 to 7

For Respondent-9
in W.P.No.6617 of 2012
and Respondent-8
in W.P.No.6662 of 2012 : Served-No Appearance

सत्यमेव जयते
ORDER

These Writ Petitions are heard through Video Conference on account of COVID-19 pandemic situation.

2. The prayer of the petitioner in W.P.No.6617 of 2012 is to forbear the first respondent from extending the period of license to quarry gravel under the License Order in Na.Ka.No.601/2011 dated 24.01.2012 issued by the first respondent in favour of ninth respondent and also from issuing fresh license to quarry gravel in S.No.195/2 or any other government lands in Vaniamallee Village, Gummidipoondi Taluk, Thiruvallur District either to the ninth respondent or any other third party thereby safeguard the Minerals and Natural Resources

in the said village and further to direct the first respondent to take appropriate penal action against the ninth respondent under the Tamil Nadu Minor Minerals Concession Act 1957, r/w relevant Rules for the gross violation and flagrant misuse.

2.1. W.P.No.6662 of 2012 is filed by the very same petitioner to forbear the first respondent from extending the period of license to quarry gravel under the License Order in Na.Ka.No.5/2012 dated 24.01.2012 issued by the first respondent in favour of eighth respondent and also from issuing fresh license to quarry gravel in S.No.15 or any other government lands in Vaniyamallee Village, Gummidipoondi Taluk, Thiruvallur District either to eighth respondent or any other third party thereby safeguard the Minerals and Natural Resources in the said village and further to direct the first respondent to take appropriate penal action against the eighth respondent under Tamil Nadu Minor Minerals Concession Act 1957, r/w relevant Rules for the gross violation and flagrant misuse.

3. In so far as the first limb of the prayer is concerned, that is not to extend the leases granted in favour of the private respondent further, the learned Special Government Pleader representing the respondents has produced the letter dated 27.07.200 in R.C.No.601/2011/G&M-1. The said letter is addressed by the District Collector, Tiruvallur District, wherein, it is specifically stated as follows:

".....

A permission to quarry 4720 lorry loads of gravel from Panchayat tank comprised in S.No.195/2 of Vaniyamallee village, Gummidipoondi taluk, Tiruvallur District dated 24.01.2012 under erstwhile rule 12 of Tamilnadu Minor Mineral Concession Rules, 1959 had been granted to one Thiru.A.Rajkumar on collection of necessary charges for a period of 50 days from 25.01.2012 to 14.03.2012 vide the reference 1st cited.

.....

Further as per the amended existing rule 12 (2-A)(g) of Tamil Nadu Minor Mineral Concession Rules, 1959 states that,

"Permission granted under this sub rule shall not be renewed or extended for any reason including that the person permitted could not be mine or remove the mineral for whatever reason. He will not be entitled for refund of any cost of money incurred in the process. If the permitted quantity is not removed within the stipulated period, the appellant will not be entitled for removal unutilised quantity of mineral'

In this regard, it is humbly submitted that on the expiry of the grant of permission on 14.03.2012, as per the above said rule, no further extension of licence have been granted to the 9th respondent Thiru.A.Rajkumar in the said area.

The learned Special Government Pleader submitted that similar is the position in W.P.No.6662 of 2012 also.

4. After the said letter, a counter affidavit was filed in both the Writ Petitions on the same lines by the District Collector, Thiruvallur, wherein also, it is stated that no further extension for the subject quarries has been granted till date and the quarry was completed as early as in the year 2012. The report, counter-affidavit and the submission before this Court are recorded.

5. However, the learned appearing for the petitioner would insist upon the other limb of his prayer, i.e, penal action against the respective licensees under the Tamil Nadu Minor Minerals Concession Rules 1959 r/w other relevant rules for the gross violation and flagrant misuse of the license dated 24.01.2012 issued by the first respondent may be initiated.

6. As the petitioner has brought to the knowledge of the official respondents about the misuse and alleged trespass of the erstwhile licensees into other Survey Numbers in violation of the rules, it is open to the respondents, especially, the first respondent, to survey and take any action, if there is any violation of the rules as alleged. As already eight years have gone after expiry of the license, the respondents shall undertake such exercise expeditiously, but not later than six weeks from the date of receipt of a copy of this order.

7. With the above directions, these Writ Petitions are disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

gg/srn

To

1. The District Collector,
Thiruvallur District,
Thiruvallur - 602 001.
2. The Assistant Director of Mines,
District Collectorate,
Thiruvallur District,
Thiruvallur 602 001.
3. The Revenue Divisional Officer,
Ponneri Sub Division,
Ponneri - 601 204.
4. The Tahsildar,
Gummidipoondi Taluk,
Gummidipoondi - 601 201.
5. The Block Development Officer,
Block Panchayat, Gummidipoondi,
Panchayat Union,
Gummidipoondi - 601 201.
6. The Village Administrative Officer,
Vaniyamalli Village,
Gummidipoondi Taluk.
7. The Superintendent of Police,
Thiruvallur District,
Thiruvallur - 602 001.
8. The Deputy Superintendent of Police,
Gummidipoondi Sub Division,
Bye Pass Road,
Gummidipoondi - 601 201.

+1cc to the Government Pleader Sr.32149

+2cc to Mr.N.R.Ananth RamaKrishnan, Advocate SR.31811, 31810

W.P.No.6617 of 2012
and M.P.Nos.1 and 2 of 2012
and W.P.No.6662 of 2012
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srg 02/11/2020