

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2020

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.No.13840 of 2020

1 S.Sundarajan
S/o.Subramaniam Proprietor Sri Ponguru
Magnesite Mines No.5/22 A Periagollapatti
Kannankurichi Post Salem 636 008.
..Petitioner

Vs

1 The State of Tamil Nadu
Rep. by its Additional Chief Secretary to
Government Industries Department Fort St.
George Chennai 600 009.

2 The Director
Department of Geology and Mining Guindy
Chennai 600 032.

3 The Collector
Salem.
...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India filed for a mandamus to direct the 1st respondent herein to consider the representation of the petitioner dated 12/06/2018 in the light of the recommendations dated 18/08/2018 in Roc.No.198/2018/ Mines - A of the 3rd Respondent and pass orders for removal of Dunite and include the mineral Dunite occurring in association with magnesite in the lease deed in favour of the petitioner dated 26/05/2018 in respect of the lands of an extent of 77.50.0 hectares in SF.No.178 of Jagirammalaym Taluk, Salem District.

For petitioner : Mr.AR.L.Sundaresan
Senior Counsel
for M/s.AL.Gandhimathi

For Respondents : Mr.E.Manoharan
Special Government Pleader

O R D E R

Mr.E.Manoharan, learned Special Government Pleader takes notice for the respondents. By consent, the main writ petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.ARL.Sundaresan, learned Senior Counsel appearing for the petitioner and Mr.E.Manoharan, learned Special Government pleader, who takes notice for the respondents.

3. The case of the petitioner in short is as follows:

A mining lease was granted to the petitioner for mining of magnesite in respect of the subject matter lands and the said lease is in force till 31.03.2030. 'Dunite' was considered as a major mineral and included in the list in Serial No.16 of Schedule II of Mines and Minerals (Development and Regulations) Act 1957 and subsequently, it has been taken out from the said list of major minerals and classified as minor mineral as per G.O.Ms.No.70 Industries (MMC-1) dated 22.04.2016. As per the specific provision to Rule 26 of the Tamilnadu Mines and Minerals Concessions Rules, 1959, a lessee shall report the discovery of any major mineral or minerals and shall pay in respect of quantities of such minerals as royalty at the rates specified. The petitioner faces real problem of disposal of 'Dunite', since volume of 'Dunite' is being accumulated in the site as debris. Therefore, the petitioner thought it fit to report the occurrence and generation of 'Dunite' to the State Authority in compliance of the relevant rules. Accordingly, the petitioner made a request to the first respondent by way of representation dated 12.06.2018 and requested for permission to remove the Dunite to the place of choice of the petitioner on payment of seniorage fees. The 3rd respondent, by proceedings dated 18.08.2018 has made recommendation to the 1st respondent for removal and transport of Dunite from the existing mining site to the needy industries and also to any other place of petitioner's choice for better use of Dunite. The 1st respondent, even after receiving the said recommendation from the 3rd respondent, has not passed any order on the petitioner's request so far. Therefore, the present writ petition is filed with the relief as stated supra.

4.It is seen that the petitioner has already made a representation to the 1st respondent on 12.06.2018 and the 3rd respondent has also made his recommendation through his proceedings dated 18.08.2018. Therefore, it is for the 1st respondent to consider the representation of the petitioner and pass orders on merits and in accordance with law, also by taking

into consideration of the recommendation made by the 3rd respondent. Such exercise shall be done by the 1st respondent within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vri/vsi

To

- 1 The State of Tamil Nadu
Rep. by its Additional Chief Secretary to
Government Industries Department Fort St.
George Chennai 600 009.
- 2 The Director
Department of Geology and Mining Guindy
Chennai 600 032.
- 3 The Collector
Salem.

+1 Cc to The Govt. Pleader sr 32434.

+1 CC to Mr.AR.L.Sundaresan, Advocate sr 32407.

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PVS (CO)

SP(21/10/2020)