



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.09.2020

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THE HONOURABLE **MR. JUSTICE G.R.SWAMINATHAN**

W.P. (MD)No.11153 of 2020

and

W.M.P. (MD)Nos.9749 and 9750 of 2020

M/s.Siva Jeyam Granites,
represented by its Managing Partner,
T.Marirajan

... Petitioner

Vs.

1.The Government of Tamil Nadu,
represented by its Secretary to Government,
Geology and Mining Department,
Fort St.George,
Secretariat, Chennai - 600 009.

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

3.The District Collector,
Virudhunagar District,
Virudhunagar.

4.The Assistant Director of Geology and Mining,
Virudhunagar.

5.The Deputy Director of Geology and Mining,
Virudhunagar.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records relating to the memorandum dated 05.08.2020 in Na.Ka.K.V1/803/2018 of the third respondent and the proceedings of the second respondent herein bearing Rc.No.6208/MM2/2015 dated 06.11.2019 and quash the same and consider and grant approval on the application of the petitioner for the Scheme of Mining for the period 2015-2016 to 2019 to 2020 and Modified Scheme of Mining for the year 2016-2017 to 2019-2020 in respect of the lands of the petitioner of an extent of 5.43.0 hectares in SF Nos.96/2A (0.40.5 hectares), 97/3A (part)(0.14.0 Hectares), 96/2B (part) (1.14.0 Hectares), 94/1 (part)(0.24.0 Hectares), 93 (part)(1.02.5



Hectares), 92/3 (part) (0.69.5 Hectares), 91/2 (part) (0.37.0 Hectares) and 91/1 (part) (1.41.5 hectares) in Sandaiyur Village, Sattur Taluk, Virudhunagar District.

For Petitioner : Mr.A.R.L.Sundaresan
Senior Counsel
for Ms.AL.Ganthimathi

For Respondents : Mr.M.Rajarajan
Government Advocate

ORDER

Heard the learned counsel appearing on either side.

2.The petitioner was granted quarrying lease to quarry granite in the petition mentioned patta land. The lease was granted way back in the year 2010. It is a 20 years lease. The petitioner has been visited with the impugned demand calling upon him to pay a sum of Rs.4,13,96,749/-(Four Crores Thirteen Lakhs Ninety Six Thousand Seven Hundred and Forty Nine only) towards the value of the minerals quarried in excess. Though the petitioner wants to contest the correctness and validity of the said demand, in order to purchase peace, the petitioner has decided to pay the said amount.

3.The learned Senior Counsel appearing for the petitioner states that the petitioner may be allowed to pay the amount in three monthly installments.

4.I am of the view that the said request can very well be accepted. I therefore permit the petitioner to pay the demanded amount of Rs.4,13,96,749/-(Four Crores Thirteen Lakhs Ninety Six Thousand Seven Hundred and Forty Nine only) in three equal monthly installments. The first installment will be paid on or before 15.10.2020. The other remaining installments will be cleared within two months thereafter.

5.It is stated that the petitioner's application for approval of the mining plan has been returned on 06.11.2019 to the Deputy Director, Geology and Mining, Virudhunagar.

6.The Deputy Director, Geology and Mining, Virudhunagar, is directed to submit the returned mining plan to the Director, Geology and Mining Department, Guindy, Chennai, immediately after the petitioner remits the first installment amount. The Director, Geology and Mining Department, Guindy, Chennai, shall consider and pass orders on the said application for mining plan within a period of four weeks thereafter.



7. With this direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

WEB COPY

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Government of Tamil Nadu,
represented by its Secretary to Government,
Geology and Mining Department,
Fort St. George,
Secretariat, Chennai - 600 009.
2. The Director,
Geology and Mining Department,
Guindy, Chennai - 600 032.
3. The District Collector,
Virudhunagar District, Virudhunagar.
4. The Assistant Director of Geology and Mining,
Virudhunagar.
5. The Deputy Director of Geology and Mining,
Virudhunagar.

+1 CC to M/s.GP (SR-16898[F] dated 15/09/2020)

W.P. (MD)No.11153 of 2020
14.09.2020

SJ(CO)
TR(18.09.2020) 3P 7C