



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.11187 of 2020

and

W.M.P. (MD)Nos.9769 and 9770 of 2020

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

... Petitioner

Vs.

1.The Government of Tamilnadu,
representation 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,
Virudhuangar.

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.V1/7005/2018 of the third respondent and the proceedings of the second respondent herein bearing Rc.No.1368/MM2/2017 dated 4.11.2019 and Rc.No.7005/MM2/2018 dated 10.8.2019 and quash the same and consider and grant approval on the application of the petitioner for the Scheme of Mining for the period 2013-2014 to 2017-2018 and Modified scheme of Mining for the years 2016-2017 to 2017-2018 and second scheme of mining for the next 5 years from 2018-19 to 2022-23 in respect of the lands of the petitioner of an extent of 0.33.0 hectares in SF Nos.97/1 (part) and an extent of 0.67.0 hectares in SF.No.97/3A (part) in Sandaiyur Village, Sattur Taluk, Virudhunagar District.



For Petitioner : Mr.ARL.Sundaresan
Senior Counsel
for Ms.AL.Ganthimathi

For Respondents : Mr.S.Angappan
Government Advocate

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ORDER

Heard the learned Senior counsel for the writ petitioner and the learned Government Advocate for the respondents.

2.The petitioner was granted quarrying lease vide order dated 10.12.2008 to quarry granite in the petition mentioned patta land. It is a 20 years lease. The petitioner was visited with the impugned demand, calling upon him to pay a sum of Rs.1,52,42,304/- (Rupees One Crore Fifty Two Lakhs Fourty Two Thousand Three Hundred and Four only) towards the value of minerals said to have been quarried in excess. Though the petitioner challenges the validity of the said demand, in order to purchase peace, the petitioner is willing to comply with the said demand. All that the petitioner seeks is payment of the said demanded amount in three installments. The learned Senior Counsel appearing for the petitioner states that the first installment will be paid on or before 15.10.2020.

3.He further submits that the Director of Geology and Mining, Guindy, Chennai, returned the second scheme of mining to the District Collector, Virudhunagar on 10.08.2019. On 04.11.2019, the Director of Geology and Mining, Guindy, Chennai returned the mining plan to the to the Deputy Director, Geology and Mining, Virudhunagar. On payment of the first installment amount, the District Collector as well as the Deputy Director of Geology and Mining, Virudhunagar shall resubmit the second scheme of mining as well as the mining plan to the Director, Geology and Mining Department, Guindy, Chennai and the Director shall consider the both and pass orders within a period of four weeks thereafter.

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

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

+1 CC to SPL GP (SR-16948[F] dated 15/09/2020)

W.P. (MD) No.11187 of 2020
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VB (18.09.2020) 3P 7C