



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2021

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MS.JUSTICE R.N.MANJULA

W.A.No.770 of 2020
and C.M.P.No. 10179 of 2020

1.The District Collector,
Coimbatore.

2.The Assistant Director,
Department of Geology and Mining,
Collectorate, Coimbatore.

3.The Tahsildar,
Pollachi.

.. Appellants

Vs

P.Mylsamy

.. Respondent

Appeal filed under Clause 15 of Letters Patent against the order dated 04.04.2019 made in W.P.No.16833 of 2004.

Prayer in WP.No.16833 of 2004: Writ Petition filed under Article 226 of the constitution of India, praying for a writ of certiorari, calling for the records relating to the order dated 31/03/2004 made in Na.Ka.No.1725/99/Ex.1 pertaining to the property comprised in S.F.No.93/c4 in 10, Muthur Village, Pollachi Taluk, Measuring 0.40.0 hectare passed by the Second respondent and to quash the same as null and void.

For Appellants : Mr.S.John J Raja Singh
Government Counsel

For Respondent : Mr.V.V.Sairam

JUDGMENT

(Delivered by M.M.SUNDRESH, J.)

This appeal has been preferred by the appellants challenging the order of the learned Single Judge, who while quashing the order of the demand made on 31.03.2004 incidentally directed the



appellants not to collect the seigniorage fee required to be paid under the Rules.

2. The seigniorage fee was enhanced by the appellants through the Government Order passed in G.O.Ms.No.335, Industries (MMC1) Department dated 04.08.1992 amending the Tamil Nadu Minor Mineral Concession Rules, 1959 with specific reference to Appendix II.

3. The aforesaid enhancement was put to challenge by a registered Association in W.P.No.13306 of 1992. This was taken advantage of everybody in view of the pendency of the interim order including the respondent/writ petitioner by paying the earlier seigniorage fee fixed while getting the transport permits. By the impugned order, the appellants merely told the respondent that inasmuch as the interim order got vacated, the payment will have to be made. It appears that the challenge has also ended in favour of the appellants.

4. The respondent challenged the aforesaid order and the learned Single Judge allowed it in toto after finding the violation of principles of natural justice. Challenging the same, the present appeal has been filed.

5. We find considerable force in the submission made by the learned Government Counsel. The enhancement of seigniorage fee was for the year 1993-1994 and 1994-1995. The difference in amount is Rs.96,424/-. There is no question of putting the respondent on notice and hearing him as statutorily, he is liable to pay. He has not challenged the Rules and the challenge made which enure to his benefit by permitting him to pay the required seigniorage fee was also ended in favour of the appellants. Thus, looking from any perspective, the respondent cannot escape the payment and therefore, there is no question of either hearing him or remitting the matter. The payment of seigniorage fee comes under the Rules which is to be paid mandatorily. In such view of the matter, the order of the learned Single Judge requires interference.

6. However, we find force in the submission made by the learned counsel for the respondent as there was a delay on the part of the appellants in raising the demand.

7. In such view of the matter, there cannot be any payment of interest for the sum of Rs.96,424/-. Considering the difficulties expressed by the learned counsel for the respondent, the aforesaid amount can be paid in three quarterly instalments. The first instalment will have to be paid on or before 30 September, 2021 and similarly, the other two



instalments will have to be paid once in three months thereafter i.e. on or before 31 December, 2021 and on or before 30 March, 2022 respectively.

8. The writ appeal stands ordered accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1.The District Collector,
Coimbatore.

2.The Assistant Director,
Department of Geology and Mining,
Collectorate, Coimbatore.

3.The Tahsildar,
Pollachi.

+1cc to Mr.V.V.Sairam, Advocate, S.R.No.29858
+1cc to the Government Pleader, S.R.No.30254

W.A.No.770 of 2020

KV(CO)
CB(15/07/2021)