



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.Nos.28767 & 28768 of 2013

V.P.Chinnamuthu	... Petitioner in WP.No.28767 of 2013
R.K.Subramanian	... Petitioner in WP.No.28768 of 2013

Vs

1.The District Collector,
Salem District,
Salem.

2.The Deputy Director,
Zeology and Mining,
Salem Collectorate Building,
Salem.

... Respondents in both WPs

Common Prayer: Petitions filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to refund the deposit amount of Rs.2,32,500/- and Rs.2,28,000/- respectively with 12% interest per annum to the petitioners.

For Petitioners : Mr.M.S.Palaniswamy in both WPs

For Respondents : Mr.Stalin Abimanyu, GA in both WPs

COMMON ORDER

The relief sought for in these writ petitions is to direct the respondents to refund the deposit amount of Rs.2,32,500/- and Rs.2,28,000/- respectively with 12% interest per annum to the petitioners.

2.According to the petitioners, they were quarrying rough stone and jelly in respect of the lands in S.No.383/2B part 5 at Erumapalayam Village, Salem Taluk and District by paying necessary lease amount of Rs.1,55,000/- and Rs.1,20,000/- respectively, for a period of five years from 10.11.2003 to 09.11.2008. Thereafter, they made applications to the 1st respondent requesting to extend the lease for a further period



of five years after expiry of the lease period. Since the said applications were not considered, the petitioners filed writ petitions in W.P.Nos.29781 and 29783 of 2008, in which, this court directed the petitioners to deposit 50% of the amount over and above the existing lease amount in addition to the seigniorage fee. Pursuant to the same, the petitioners paid a sum of Rs.2,32,500/- & Rs.2,28,000/- respectively through challans dated 18.08.2009. However, the 1st respondent did not extend the lease on the ground of amended rule 8(8) of the Tamil Nadu Minor Minerals Concession Rules, 1959, by order dated 05.11.2008, based on which, the said writ petitions were dismissed. Therefore, the petitioners made representations dated 24.08.2013 and 10.09.2013 to return the said deposit amount along with interest at 12% p.a. Finding no response on the said representations, they have come up with these writ petitions for the aforesaid relief.

3.The learned counsel for the petitioners submitted that the second respondent sent a communication in Na.Ka.No.203/2010/Kanimam-A dated 26.07.2011 to the petitioners to the effect that steps be taken to return the lease amount. However, till date, no order was passed on the representations of the petitioners. Therefore, the learned counsel prayed for appropriate direction to the respondents in this regard.

4.On the other hand, the learned Government Advocate appearing for the respondents fairly submitted that the respondents would consider the claim of the petitioners and pass orders, on merits and also in the light of the communication in ந.க.எண் 203/கனிமம்/அ/ dated 26.07.2011 issued by the second respondent, within a reasonable time to be fixed by this Court.

5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs respondents to consider the respective representations of the petitioners dated 24.08.2013 and 10.09.2013 and pass appropriate orders, on merits and in accordance with law and also in the light of the communication in ந.க.எண் 203/கனிமம்/அ/ dated 26.07.2011 issued by the second respondent, within a period of four weeks from the date of receipt of a copy of this order.

6.Accordingly, these writ petitions stand disposed of. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar



1.The District Collector,
Salem District,
Salem.

2.The Deputy Director,
Zeology and Mining,
Salem Collectorate Building,
Salem.

+1cc to Mr.M.S.Palaniswamy, Advocate Sr No.30451
+1cc to the Government Pleader Sr No.30822

W.P.Nos.28767 & 28768 of 2013

SS (CO)
PR (01/09/2021)