



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.29939 of 2016

K. Kangaraj

...Petitioner

Vs

1. The District Collector,
Thiruvallur District,
Thiruvallur.

2. The Assistant Director of Mines,
Thiruvallur.

... Respondents

PRAYER: Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the respondent-1 in his proceedings in Rc.No.115/2011/ G & M 2 dated 14.06.2016 and quash the same and direct the first respondent to refund the proportionate seigniorage fee (out of Rs.4,83,000/-) paid by the petitioner and security deposit of Rs.48,300/-

For Petitioner : Mr.K.R.Krishnan

For Respondents : Mr.K.M.D.Muhilan,
Government Advocate

O R D E R

The relief sought for in the present Writ Petition is to quash the proceedings dated 14.06.2016 and direct the 1st respondent to refund the proportionate Seigniorage fee paid by the petitioner and security deposit of Rs.48,300/-.

2. The claim of the writ petitioner for refund of deposits was rejected on the ground that it was prematured and the Authorities could not able to form an opinion during the relevant point of time. The petitioner stopped the mining activities due to third party disputes. It is not the case that the Government cancelled the license to carry on the mining operations based on the terms and conditions of the Lease



Agreement but the premature termination occurred on account of third party disputes between the petitioners and other persons, for which, the Authorities cannot be held responsible. Therefore, the provisions of Rule 36 (E) of Tamil Nadu Minor Minerals Concessions Rule, 1959 cannot be applied and therefore, the case of the writ petitioner was rejected.

3. However, this Court is of the opinion that the mining operations were stopped by the petitioner and admittedly, the petitioner has paid the Seigniorage fee as well as the Security Deposit. The Security Deposit, in any event, has to be paid back to the petitioner, as there is no action pending against the petitioner or any violations are identified during the mining operations.

4. In respect of the other claims of the writ petitioner, the same would not fall under Rule 36 E of the Tamil Nadu Minor Mineral Concessions Rules, 1959 and accordingly, the impugned order passed in proceedings No.Rc.No.115/2011/ G & M 2 dated 14.06.2016 is quashed, as far as the refund of Security Deposit of Rs.48,300/- alone is considered. Consequently, the respondents are directed to pay the Security Deposit and refund a sum of Rs.48,300/- (Rupees Forty Eight Thousand and three hundred only) within a period of eight (08) weeks from the date of receipt of a copy of this order. The Writ Petition is Allowed partly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sts/shr
To:

1. The District Collector,
Thiruvallur District,
Thiruvallur.
2. The Assistant Director of Mines,
Thiruvallur.

+1cc to Mr.K.R.Krishnan, Advocate, S.R.No.67414

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EV[co]
NSK 06/01/2022