



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.16120 of 2021

M.Vijayakumar

...Petitioner

Vs

The Director of Geology and Mining,
Department of Geology and Mining,
Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai - 600 032.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondent herein to consider petitioner's appeal dated 15.04.2021 under Rule 36(c)(2) of the Tamil Nadu Minor Mineral Concession Rules, 1959 filed against the order of the District Collector, Tiruppur made in Na.Ka.No.79/2020/mineral dated 09.03.2021 and pass orders on merits and in accordance with law, within a time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.V.P.Sengottuvel

For Respondent : Mr.G.Krishnaraja,
Government Counsel

ORDER

Mr.G.Krishnaraja, learned Government Counsel takes notice for the respondent. With the consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

2.According to the petitioner, he made an application on 18.02.2016 to the District Collector, Tiruppur, for mining lease in S.F.Nos.86/3B, 86/4B, 86/5B and 86/6B totally measuring an extent of 0.73.0 Hectares situated at Agrahara Periyapalayam Village, Uthukuli Taluk, Tiruppur District, after obtaining necessary approval/ consent /No Objection Certificate and Environmental clearance from the competent authorities. Upon receiving inspection report from the Revenue Divisional Officer and Tahsildar, Tiruppur, the District Collector, by his



proceedings in Na.Ka.No.115/Minerals/2016 dated 20.09.2016 granted mining lease to the petitioner. After complying with the other procedures as contemplated under the Tamil Nadu Minor Mineral Concession Rules, 1959, the petitioner entered into a joint lease agreement with the District Collector for quarrying and carrying away minor minerals for a period of 5 years commencing from 20.09.2016 to 19.09.2021. Further, the petitioner also obtained approval from the Assistant Director, Geology and Mining by communication bearing No.917/mines/19 dated 20.12.2019, with respect to modified mining plan. When the things stood thus, based on the order of the National Green Tribunal, Southern Zone, dated 02.01.2020 passed in OA.No.8/2017 and the report of the joint committee, the District Collector, Tiruppur, issued a show cause notice dated 27.11.2020, calling upon the petitioner to explain as to why a sum of Rs.25,45,056/- towards environmental compensation should not be levied, to which, the petitioner submitted his detailed explanation. Without considering the same, the District Collector, by his proceedings dated 09.03.2021 cancelled the quarry lease granted to the petitioner on 20.09.2016 and directed him to pay the environmental compensation. Challenging the same, the petitioner filed an appeal before the respondent on 15.04.2021. While so, the National Green Tribunal (South Zone) in its final order dated 30.06.2021 made in OA.No.8 of 2016, permitted the quarry owners whose mining lease have been cancelled, to challenge the same before the appropriate forum in accordance with law. However, no order was passed by the respondent on the appeal filed by the petitioner. Therefore, the petitioner has come up with this writ petition seeking a mandamus to the respondent to dispose of the said appeal.

3.Heard both sides and perused the documents enclosed in the typed set of papers.

4.Considering the limited relief sought in this writ petition, this court, without going into the merits of the case, directs the respondent to consider the petitioner's appeal dated 15.04.2021 and pass appropriate orders, on merits and in accordance with law, after providing reasonable opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

5.Accordingly, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar



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To

The Director of Geology and Mining,
Department of Geology and Mining,
Thiru.Vi.Ka.Industrial Estate,
Guindy,
Chennai - 600 032.

+lcc to the Government Pleader, S.R.No.38453

W.P.No.16120 of 2021

PMK[co]
NSK 23/09/2021