



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. No. 29961 of 2014

P.K.Shankar

...Petitioner

Versus

1. The State of Tamil Nadu,
Rep. by Secretary to Government,
Industries Department,
Fort St.George, Chennai - 600 009.
2. The District Collector,
Krishnagiri District,
Krishnagiri.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, call for the records pertaining to the first respondent's G.O.(D) No.152, Industries (MME-2) Department, dated 27.10.2014 pertaining to the petitioner's patta lands measuring 0.54.0 Hectares, comprised in S.F.No.1169/4B and measuring 0.92.5 Hectares, comprised in S.F.No.1169/5, totally measuring 1.46.0 Hectares, situated in IRUTHUKOTTAI Village, Denkanikottai Taluk, Krishnagiri District, quash the same and direct the first respondent to grant quarrying lease in respect of the subject lands, by re-considering the petitioner's lease application dated 01.12.2011.

For Petitioner : Mr. D.Baskar

For Respondents : Mr. Stalin Abimanyu
Government Advocate

O R D E R

Challenging the order passed by the Government in G.O.(D) No.152, Industries (MME-2) Department, dated 27.10.2014,



rejecting the petitioner's application for quarrying lease, the present writ petition is filed.

2. The petitioner is the owner of the patta lands comprised in Survey No.1169/4B measuring 0.54.0 hectares and another land in S.F. No.1169/5 measuring 0.92.5 hectares, totalling 1.46.0 hectares in Iruthukottai Village, Denkanikottai Taluk, Krishnagiri District. On 01.12.2011, the petitioner submitted an application seeking granite quarrying lease. However, the first respondent rejected the application of the petitioner by issuing the order dated 27.10.2014, which is impugned in this writ petition. As per the order dated 27.10.2014, the petitioner is liable to pay certain amount to the Government towards the mining dues to the tune of Rs.1,78,48,045/- as has been levied by the proceedings dated 21.05.2012 of the second respondent. Challenging the penalty proceedings of the second respondent, the petitioner has also filed WP No. 14806 of 2012. According to the petitioner, after obtaining mining lease, he has floated a Proprietorship company by name M/s. Shanmugapriya Granites and the said quarry was operated by the petitioner in that name. Therefore, it is stated that the petitioner is not liable to pay the amount. It is also stated that before passing the impugned order rejecting the application for quarrying lease, the petitioner has not been given an opportunity of hearing and therefore, the order of the first respondent is illegal and against the principles of natural justice. It is also stated that there is a dispute with regard to the alleged mining dues and therefore, it will not be a ground for rejecting the application of the petitioner.

3. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents. The application of the petitioner seeking quarrying lease was rejected by the first respondent on the basis of the recommendations made by the second respondent as well as the Commissioner of Geology and Mining stating that the petitioner has violated the terms and conditions of the quarrying lease granted to him and indulged in excess quarrying of the land than the one for which quarrying lease was granted to him. When the loss caused to the exchequer was intimated to the petitioner and he was called upon to pay the amount assessed thereof, he has filed WP No. 14086 of 2012 in which this Court granted an interim order restraining the respondents from recovering the amount by resorting to Revenue Recovery Act. Subsequently, the writ petition itself was taken up and it was dismissed by this Court on 01.02.2018. Therefore, this Court is of the view that the order dated 27.10.2014, which is impugned in this writ petition, refusing to grant quarrying lease to the petitioner is wholly justified and interference of this Court is not warranted.



4. Today, when the matter is taken up for hearing, the learned counsel for the petitioner submitted that as against the order dated 21.05.2012 of the second respondent, he has filed an appeal before the appellate authority and the said appeal is yet to be disposed of. Therefore, the learned counsel for the petitioner seeks liberty to the petitioner approach the appellate authority to expeditiously dispose of the appeal filed by him as against the order dated 21.05.2012 of the second respondent on merits and for other relief.

5. Granting such liberty to the petitioner, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS)

// True Copy//

Sub Assistant Registrar

av/rsh

To

1. The Secretary to Government,
The State of Tamil Nadu,
Industries Department,
Fort St.George, Chennai - 600 009.
2. The District Collector,
Krishnagiri District,
Krishnagiri.

+1cc to the Government Pleader, S.R.No.34334

WP No.29961 of 2014

KSM(CO)
SU(02/09/2021)