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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.24485 OF 2021

AND

W.M.P.NO.25806 OF 2021

The Indian Mining Geoscientists Society (IMGS),
Regn.Nos.SRG(Salem West/140/2020),
Rep. by its Chairman,
Mr.S.Suriya Kumar,
No.3/216, KSV Nagar,
Narasothipatti,
Salem - 636 004.

... Petitioner

.Vs.

1. The Regional Controller of Mines,
Indian Bureau of Mines,
C4, Rajaji Bhavan,
Besant Nagar,
Chennai - 600 090.
2. The Director of Geology and Mining,
Alandur Road, Industrial Estate,
Guindy, Chennai - 600 032.
3. The Director of Mines Safety,
3rd floor, Left Wing,
New Additional Buildings,
CGO Complex, Shastri Bhawan,
Nungambakkam,
Chennai - 600 006.
4. Mr.P.Thangaraju
Partner,
Geo Exploration and Mining Solutions,
Regd. Office No.17,
Advaitha Ashram Road,
Alagapuram,
Salem - 636 004.

5. S.Danasekar, MSC

... Respondents



PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or other appropriate writ or order in the nature of writ directing the respondents 1 and 2 to conduct a detailed enquiry with regard to RQP (Recognized Qualified Persons) certificate granted to persons so for and take steps to cancel the same and imitate legal action against those persons for producing fake qualifying experience certificate for getting recognition certificate under Section 22B(2) of the Mineral Concession Rules 1960 and not intimated to IBM and State Government in Form-I and Form-H under Rule 46 of MCDR, 1988, Form-B of the Mines Rules, 1955 and pass Orders.

For Petitioner : Mr.K.R.Krishnan

For Respondent : Mr.Rajesh Vivekanandan
R1 and R3

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 1 and 2 to conduct a detailed enquiry with regard to RQP (Recognized Qualified Persons) certificate granted to persons and take steps to cancel the same and initiate legal action against those persons for producing fake certificate for getting recognition certificate under Section 22B(2) of the Mineral Concession Rules 1960 and not intimated to IBM and State Government in Form-I and Form-H under Rule 46 of MCDR, 1988, Form-B of the Mines Rules, 1955.

2. The case of the petitioner is that the petitioner society is registered body (Regn.No.140/2020) for contract and welfare of Recognized Qualified Person in Tamilnadu for preparing mining plan for getting Environmental Clearance for mining industry/Quarrying Authority and authorized under the Rule 22(C) of Mineral Concession Rules 1960 and its amended Rule 15(1)(b) of Mineral Concession Rules, 2016 and under section 13 of the Mines and Minerals (Development and Regulation)Act, 1957. The 4th and 5th respondents without any qualification are preparing mining plan at very lower fees which results in illegal mining activities. Hence, the petitioner gave a complaint to RCM, SEIAA and District Collector to reject the mining plan submitted by the unqualified persons. The petitioner has given a complaint to the Commissioner of Geology and Mining on 20.09.2021 and since no action has been taken against the 4th and 5th respondents and other unqualified persons certifying the mining plan for getting mining/quarry lease, this writ petition is filed.



3. The learned counsel appearing for the petitioner submitted that without going into the merits of the case, it would suffice, if this Court issues direction to the first respondent to consider the petitioner's complaint dated 20.09.2021 and to pass appropriate orders within a reasonable time fixed by this Court.

4. The learned counsel takes notice for the respondents R1 to R3 and submits that the respondents have no serious objection for the prayer sought for by the petitioner and he further submitted that the action will be taken on the petitioner's representation and appropriate orders will be passed in accordance with law within the time stipulated by this Court.

5. Since no adverse order is being passed, notice on the private respondents is dispensed with.

6. In view of the above submissions, without going into the merits of the issue, this Court is inclined to direct the respondents to consider the petitioner's representation and pass appropriate order after providing opportunity to the private respondents in the manner known to the law within a period of twelve weeks from the date of receipt of a copy of this order.

7. Accordingly, this Writ petition is disposed of. No costs. Connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

skt

To

1. The Regional Controller of Mines,
Indian Bureau of Mines,
C4, Rajaji Bhavan,
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Chennai - 600 090.
2. The Director of Geology and Mining,
Alandur Road, Industrial Estate,
Guindy, Chennai 600 032.



3. The Director of Mines Safety,
3rd floor, Left Wing,
New Additional Buildings,
CGO Complex, Shastri Bhawan,
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Chennai - 600 006.

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+1cc to Mr.K.R.Krishnan, Advocate, S.R.No.58914

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SVI (CO)
PBS/21/12/2021