



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2021

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MS.JUSTICE R.N.MANJULA

W.A.NO.3397 OF 2019
AND
C.M.P.NO.21845 OF 2019

M/s.Gem Granites,
Rep. By its Partner,
Mr.S.R.Asaithambi,
No.76 - Cathedral Road,
Chennai - 600 086.

... Appellant/Petitioner

.Vs.

The District Collector,
Krishnagiri District,
Krishnagiri.

... Respondent/Respondent

PRAYER:-

Appeal filed under Clause 15 of Letters Patent against the order dated 21.03.2019 made in W.P.No.35481 of 2004.

Prayer in W.P.No.35481 of 2004:-

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for records pertaining to the respondent's proceedings bearing Roc.1312/2001 (Mines-1) dated 07.11.2004 quash the same and direct the respondent to refund to the petitioner a sum of Rs.1,00,000/- deposited by the petitioner pursuant to the order of this Hon'ble Court in W.P.No.14574 of 2001 together with interest.

For Appellant : Mr.K.Ramakrishna Reddy

For Respondent : Mr.D.Ravichander
Government Counsel



JUDGMENT
(Delivered by M.M.SUNDRESH, J.)

The subject matter of the appeal is the penalty levied for infraction of Rule 36A(5) of Tamil Nadu Minor Mineral Concession Rules, 1955.

2. Learned counsel appearing for the appellant submitted that remaining amount demanded would be paid within a period of three months from the date of receipt of a copy of this judgment. It is further submitted that the impugned order does not say anything about the interest component.

3. Learned Government Counsel appearing for the respondent submitted that though the impugned order does not say anything about the interest, it is axiomatic that it would follow inasmuch as the penalty has not been paid.

4. The impugned order does not speak about interest and therefore the nature of interest, the quantification and the percentage are the factors which we do not propose to go into in this appeal. Suffice it to say that we permit the appellant to make the remaining payment of penalty, which is stated to be Rs.3,00,000/- within a period of three months from the date of receipt of a copy of this judgment. On the question of interest, liberty is given to the respondent to make a demand. If such a demand is made, the appellant can raise all the contentions by way of reply.

5. With the above said observation, the writ appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

The District Collector,
Krishnagiri District,
Krishnagiri.

+1cc to Mr.K.Ramakrishna Reddy, Advocate, S.R.No.33707
+1cc to the Government Pleader, S.R.No.33556

W.A.NO.3397 OF 2019

SSV(CO)
PBS/11/08/2021