



WEB COPY

W.P.(MD)No.441 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.441 of 2021

and

WMP. (MD).No.375 of 2021

M/s.K.A.M.Mines and Minerals
rep. by its Proprietor A.Muthukumar
S/o.Anbanandan
Chettiayakadu,
Thagettur Post,
Vedaraniyam Taluk,
Nagapattinam District - 614 714.

... Petitioner

Vs.

1.The Director of Geology and Mining
Guindy,
Chennai - 600 032.

2.The District Collector,
Collectorate,
Thanjavur District.

3.The Assistant Director,
Geology and Mining,
Thanjavur.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to approve the mining plan and communicate the precise area as per rule 41(1)(2) of the Tamil Nadu Mines Mineral Concession Rules 1959 in respect of Silica Sand quarry in S.No.187/1, 188/6, 189/2, 197/2, 198/202, 199/2, 200/1A, 201/1 and 2 measuring to an extent of 13.36.5 Hectares in his own patta land situated in Thambikottai Vadakku, Pattukottai Taluk, Thanjavur District by accepting immovable property security for the demand of Rs.1.43 crores pending adjudication before this Hon`ble Court.

For Petitioner : Mr.K.R.Krishnan
For Respondents : Mr.S.Angappan
Government Advocate

ORDER

Heard, the learned counsel appearing for the writ petitioner and the learned Government Advocate appearing for the respondents.

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2.The petitioner requested the respondents to approve the petition mentioned mining plan. The respondents are declining to process the petitioner's application on the ground that he has not enclosed a valid clearance certificate as contemplated by Rule 22(3) (1)(d) of the Mineral Concession Rules 1960.

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3.The learned counsel for the petitioner would state that the issue is pending consideration before the Hon'ble first Bench in W.A. No.671 of 2020 etc., batch.

4.Though the petitioner's counsel is right in his contention that the issue is yet to be decided, the fact remains that the petitioner has not obtained any stay of the demand raised by the respondents. As per rule 22 of the Mineral concession Rules 1960, if any injunction has been issued by Court of law or any other competent authorities staying the recovery of the mining dues, the non-payment thereof, shall not be treated as a disqualification, for the purpose of granting or renewing the mining lease.

5.In the case on hand no such interim order, has been obtained so far. The petitioner seeks relief in the nature of writ of mandamus. No court can issue mandamus, contrary to law. In view of the express requirements set out in Rule 22 for production of valid clearance certificate, I am unable to grant relief.

6.Accordingly, the writ petition stands dismissed. I make it clear, that the moment the petitioner is able to obtain interim stay in the pending writ appeal, it is certainly open to the petitioner herein, to move this Court again for appropriate relief. No costs. connected Mp is closed.

Sd/-

Assistant Registrar (Records)

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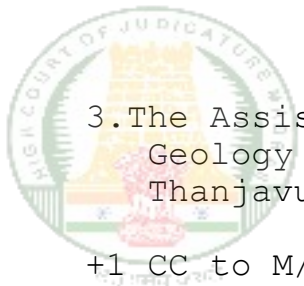
/ /2021

Sub Assistant Registrar(CS)

To:

1.The Director of Geology and Mining
Guindy,
Chennai - 600 032.

2.The District Collector,
Collectorate,
Thanjavur District.



3.The Assistant Director,
Geology and Mining,
Thanjavur.

+1 CC to M/s.SPL GP (SR-7271[F] dated 25/02/2021)

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+1 CC to M/s.K.R.KRISHNAN, Advocate (SR-7378[F] dated 25/02/2021)

W.P. (MD) No.441 of 2021
24.02.2021

ES (CO)

KB(15.03.2021) 3P 6C