



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No. 28420 of 2010

And

W.P.No. 3936 of 2011

And

W.P.Nos. 1 & 2 of 2010

And

M.P.Nos. 1 to 3 of 2011

M/s. Ramakrishna Magnesite Mines

Rep. by its Partner Mr.K.M.Govindarajan

Kuduvampatty Road

Kondappanaickenpatty

Salem - 636 008.

... Petitioner in both W.Ps.

Vs.

1. The State of Tamilnadu

Rep. by its Secretary

Industries Department

Fort St. George

Chennai - 600 009.

2. The District Collector

Salem District

Salem.

... Respondents in both W.Ps.

Prayer in W.P.No. 28420 of 2010: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent's G.O.(3D) No.58, Industries (MMA1) Department dated 25.11.2010, pertaining to the Magnesite bearing quarry lands comprised in Survey No.57, measuring 15-92 Acres situated in Alagapurampudur Village, comprised in Survey No.4-1 measuring 0-42 Acres, in Survey No.5-1 measuring 1-00 Acre, in Survey No.1-1 and 1-2 measuring 10-75 Acres situated in Ayyamperumapatty Village and comprised in Survey No.76-2B measuring 50-23 Acres, situated in Kondappanaickenpatty Village totalling measuring 78-32 Acres, all in Salem Taluk, Salem District, quash the same and direct the first respondent to grant renewal of the quarrying lease by reconsidering the petitioner's renewal application dated 27.04.2001.

Prayer in W.P.No. 3936 of 2011: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records of the



first respondent's G.O.(3D) No.60, Industries (MMA1) Department dated 01.12.2010, Gazetted in the Tamil Nadu Government Gazette, dated 29.12.2010 pertaining to the Magnesite bearing quarry lands comprised in Survey No.57, measuring 15-92 Acres situated in Alagapurampudur Village, comprised in Survey No.4-1 measuring 0-42 Acres, in Survey No.5-1 measuring 1-00 Acre, in Survey No.1-1 and 1-2 measuring 10-75 Acres situated in Ayyamperumapatty Village and comprised in Survey No.76-2B measuring 50-23 Acres, situated in Kondappanaickenpatty Village totalling measuring 78-32 Acres, all in Salem Taluk, Salem District, quash the same and direct the first respondent to grant renewal of the quarrying lease by reconsidering the petitioner's renewal application dated 27.04.2001.

For Petitioner in
both W.Ps. : Mr. K.Ramakrishna Reddy

For Respondents in
both W.Ps. : Mr. B.Vijay
Additional Government Pleader

COMMON ORDER

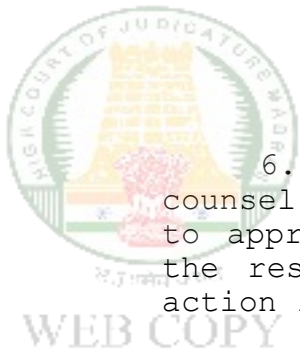
The order passed by the first respondent in G.O.(3D).No. 58 Industries Department dated 25.11.2010 and consequential order dated 01.12.2010 respectively, rejecting the second renewal application submitted by the petitioner is under challenged in these Writ Petitions.

2. The petitioner was granted mining lease on 08.10.1955 in favour of late K.G.Munusamy, then Proprietor of the petitioner in respect of 78-32 Acres, situated in Alagapurampudur Village of Salem Taluk. The lease was granted to mine Magnesite. The lease period expired.

3. The grievances of the writ petitioner was that the second renewal application submitted was also rejected on the ground of certain defects without providing an opportunity to the writ petitioner.

4. The learned Additional Government Pleader objected the contentions by stating that there are other issues involved and the Department is also bound to initiate action against the petitioner.

5. The learned counsel for the petitioner made a submission that on account of efflux of time, the renewal application submitted 11 years back lost its significance and therefore, the petitioner will submit a fresh application for consideration, in view of the fact that the renewal application was rejected on the basis of certain defects.



6. In view of the said submissions made by the learned counsel for the petitioner, it is left open to the petitioner to approach the authorities for appropriate relief. Equally, the respondents are also at liberty to initiate appropriate action in all other issues if any exist.

7. With these observations, these Writ Petitions stand disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Vsg

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary
The State of Tamilnadu
Industries Department
Fort St. George
Chennai - 600 009.

2. The District Collector
Salem District
Salem.

+2cc to Mr. K.Ramakrishna Reddy, Advocate, S.R.No.5833,5834
+1cc to the Government Pleader, S.R.No.6475

W.P.No. 28420 of 2010
And
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And
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And
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GPL (CO)
CT 15/02/2022