



W.P.No.28975 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.28975 of 2011 and
MP Nos.1 and 2 of 2011 and 1 of 2012

M/s.Madras Cements Ltd.,
“Auras Corporate Centre”,
98-A, Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004.

... Petitioner

Vs.

1. State of Tamilnadu,
Through its Secretary,
Mines and Minerals Department,
Fort St. George, Chennai – 600 009.

2. District Collector,
Ariyalur District,
Tamil Nadu.

....Respondents

Writ petition filed under Article 226 of Constitution of India, seeking a writ of Certiorari, calling for records of the 2nd Respondent comprised in the Impugned Demand Notice Rc.No.20/G & M/2011 dated 03.10.2011 and quashing the same as arbitrary and illegal and contrary to the Government of India final Order No.123/2001 dated 24.09.2001 and Final Order 50/2002 dated 21.05.2002.



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For Petitioner : Mr.Rahul Balaji
For Respondents : Mr.B.Vijay,
Additional Government Pleader

ORDER

This Writ Petition has been preferred seeking to quash the demand notice Rc.No.20/G & M/2011, dated 03.10.2011 issued by the 2nd Respondent, demanding compensation for surface rights in relation to the petitioner's limestone Mining Lease.

2. The petitioner is granted license to quarry the limestone by the State of Tamil nadu. Contrary to the Rules, Government Orders in G.O.(Ms).No.667, Industries/(MMA 2) Department, dated 13.10.1998 and G.O.Ms.No.988, Industries Department, dated 24.12.1999 have been passed authorizing the District Collector to collect compensation amount only for Government Poramboke lands, purportedly under Rule 72 of the Mineral Concession Rules, 1960. Based on the above, the demand notice has been issued on 03.10.2011.



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3. The learned counsel for the petitioner would submit that Rule 72 does not apply to Poramboke lands leased to cement plants for mining limestone and the question of levying the compensation amount annually for surface right over the Government Poramboke land, does not run at all and the said Rule permit only in respect of private lands and not in Government lands.

4. The learned Additional Government Pleader appearing for the respondents would submit that the issue with regard to the levy of compensation on the surface right over the Government Poramboke land has already been decided by this Court in batch of Writ Petitions in W.P.No.4373 of 2000 etc., batch wherein this Court dismissed the Writ petitions filed by the similarly placed persons like the petitioner herein. Subsequently, following the above decision of this Court dated 20.11.2019, the Hon'ble single Judge of this Court has also dismissed the Writ Petition in W.P.Nos.6357 and 6618 of 2012, dated 24.08.2021. Hence, the learned Additional Government Pleader prays for dismissal of the present Writ Petition.



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5. Mr.Rahul Balaji, learned counsel for the petitioner would submit that as against the order passed in W.P.Nos.6357 and 6618 of 2012, dated 24.08.2021, the Writ Appeal has been preferred and the same is pending.

6. However, as the issue with regard to collecting the compensation amount for surface right over the Government land is extensively dealt with by this Court in a batch of writ petitions, this Court is of the view that only if the decisions are reversed, the same could be followed in all other cases. Therefore, considering the order passed in the batch of Writ Petitions in W.P.No.4373 of 2000 etc., batch, dated 20.11.2019, the present Writ Petition challenging the demand notice for collecting the levy of compensation amount for surface right over the Government land, is not maintainable. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

20.10.2022

Index: Yes/No
Speaking order/Non speaking order
vum



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To

1. The Secretary,
Mines and Minerals Department,
Fort St. George, Chennai – 600 009.
2. The District Collector,
Ariyalur District,
Tamil Nadu.



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