



W.P.No.8119 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.No.8119 of 2017

&

W.M.P.Nos.8892 and 8893 of 2017

1.C.Sundaraju

2.M.Ravi

3.V.Ramaraj

4.A.T.Natarajan

5.N.Easwara Murthy

6.S.Janet Tamya

... Petitioner

Vs.

1.The Government of Tamil Nadu
Rep by the Secretary to Government
Revenue Department
Fort St.George, Secretariat
Chennai-600 009

2.The Government of Tamil Nadu
Rep by the Secretary to Government
Industries Department
Fort St.George, Secretariat
Chennai-600 009



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3.The Commissioner of Land Administration
Government of Tamil Nadu
Ezhilagam, Chepauk
Chennai-600 005

4.The District Collector
Perambalur District
Perambalur

5.The SIPCOT
Rep by the Managing Director
Egmore, Chennai-600 008

6.The Director of Handlooms and Textiles
Government of Tamil Nadu
Kuralagam, Esplanade
Chennai-600 108

7.The Commissioner
Geology & Mining
Guindy, Chennai-600 032

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to the proceedings of the 1st respondent in G.O.Ms.No.163 Revenue (LD7 (1) Department dt.07.06.2016 and quash the same.

For Petitioner : Mr.AR.L.Sundaresan, Senior Counsel
for

Ms.AL.Ganthimathi

For Respondents : Mr.B.Vijay, Addl.Govt.Pleader

ORDER

Writ Petition has been filed to call for the records relating to the proceedings of the 1st respondent in G.O.Ms.No.163 Revenue (LD7 (1) Department dt.07.06.2016 and quash the same.



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2. The petitioners are stone quarrying operators in Government Lands for the last 16 years and owners of crushing units in Rajamahal and Padalur East Irur village in Perambalur District. The quarrying operation of the petitioners had come to standstill after the last conducted tender cum auction in the year 2012. Rule 8 of the Tamil Nadu Minor Mineral Concession Rules, 1959 the procedure to be adopted in the matter of leasing Government lands. Under this rule the State Government has delegated the power to the 4th respondent for the purpose of development and exploitation for the benefit of the States. The power conferred by this rule to the respondent is mandatory and he has no discretion in the matter. The 4th respondent has to periodically lease out lands for quarrying and he has no power to stop, stall, prohibit or to convert the lands for any other purpose.

3. Learned Senior counsel appearing for the petitioners further submitted that Perambalur District is one of the most backward district in the State and the known and recognised industry in this district is stone quarrying and crushing in view of the availability of abundance of rocks used for stone quarrying. The State realizing the potentiality of the Perambalur District and also the capacity of the Perambalur District wer



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allowing quarrying operation through the respondent by conducting tender cum auction and leasing out Government land for stone quarrying purposes.

4. Learned Senior counsel further submitted that the 4th respondent even without any policy decision of the Government in the Industries Department or the Hand Loom and Textiles department appears to have voluntarily proposed for setting up of Textile park in Irur Village in Perambalur district measuring a total extension of 40.35.0 hectares and forwarded the proposal to the Government. These lands are falling within 500 meters from the stone crushing units and 300 meters from the stone quarries. As such, they come within the prohibited distance as per Rule 36 (1-A)(c) of the Tamil Nadu Minor Mineral Concession Rules, 1959 vide G.O.Ms.No.130 Housing and Urban Development Department dated 14.06.2010. He further submitted that based on the proposal which has been sent by the 4th respondent, the 1st respondent has issued a Government Order in G.O.Ms.No.165 Revenue (LD7(1) Department 07.06.2016 accepting the proposal and ordering alienation of an extent of 36.79.0 hectares of Government Poromboke lands in favour of 5th respondent herein for the formation of a Textile park and the respondents 2 and 4 are directed to take



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further follow up action in this regard. He further submitted that said G.O is arbitrary, unjust, illegal and unsustainable in law and prayed for quashing the G.O by allowing the Writ Petition.

5. Heard the learned Senior counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the respondents.

6. Counter has been filed by the respondents to the effect that since the area is predominantly used for production of cotton, the Government has taken a policy decision to set up Textile park in the area marked. Accordingly, the land has been alienated by the impugned order. Therefore, it is the contention that once a policy decision is taken, the petitioners have no right whatsoever in the area and they cannot seek to quash the order.

7. At this stage, learned Senior counsel appearing for the petitioners submits that by letter dated 12.02.2019, the Commissioner of Handlooms and Textiles to the District Collector, Perambalur District indicated that Government have informed that announcement made by the Chief Minister during the Collector's Conference for setting up Textile park has been



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dropped. According to the learned Senior Counsel as the project itself dropped by the Government nothing survives for adjudication for the present and if any cause of action arises the petitioner will challenge the same.

8. Whereas the learned Additional Government Pleader would submit that as the Writ petitioners themselves has stated that project is stopped therefore challenging the impugned order does not arise at all. Considering the submissions made at this stage, the Writ Petition is closed and nothing survives for adjudication.

Accordingly, the Writ Petition is dismissed as infructuous. No costs. Consequently, connected miscellaneous petitions are closed.

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Internet:Yes
Speaking/Non speaking order



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WEB COPY

To

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Government of Tamil Nadu
Revenue Department
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N. SATHISH KUMAR, J.

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