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W.P.No.24085 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2022

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.24085 of 2017 and
W.M.P.Nos.25402, 25403 & 25404 of 2017

M/s.Vedanta Limited
(The Successor -in-interest of erstwhile
The Madras Aluminium Company Limited)
Rep. by General Manager-Legal,
Mettur Dam, Salem District 636 402. ... Petitioner

Vs.

- 1 State of Tamil Nadu
Through its Secretary, Mines and Minerals
Department, Fort St. George,
Chennai 600 009.
- 2 The District Collector,
Salem District, Tamil Nadu. ... Respondents

Writ petition filed under Article 226 of Constitution of India,
seeking a writ of Certiorari, calling for the records of the 2nd respondent
comprised in the impugned Demand Notice Na.Ka. 339/ 2016/Mines-A
dated 17.03.2017 and quashing the same as arbitrary and illegal and



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contrary to the orders passed by the Revisional Authority Government of India and consequently direct the Respondents to permit the petitioner to remove the low grade bauxite from existing dumps so as to continue with the process of mine closure activities in accordance with plan as approved by Indian Bureau of Mines Ministry of Mines Govt. of India and handing over of land to the Government in phased manner.

For Petitioner : Mr.Rahul Balaji

For Respondents : Mr.K.Karthik Jeganath
Government Advocate

ORDER

This Writ Petition has been preferred seeking to quash the demand notice in Na.Ka. 339/ 2016/Mines-A dated 17.03.2017 issued by the 2nd Respondent, demanding compensation to the tune of Rs.42,92,14,990/- for surface rights in relation to the petitioner's limestone Mining Lease.

2. The petitioner was 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



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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 17.03.2017.

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



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20.11.2019, the Hon'ble single Judge of this Court has also dismissed the Writ Petitions 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.

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



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of compensation amount for surface right over the Government land, is not maintainable.

7. Accordingly, this Writ Petition is dismissed. No costs. At this juncture, the learned counsel appearing for the petitioner has submitted that the entire demand order has been passed based on G.O. and no opportunity was given to the petitioner with regard to period and quantum and hence the petitioner may be given opportunity before finalising the actual demand. The learned Government Advocate appearing for the respondents would submit that the petitioner has to submit reply to the demand notice and the same will be considered by the respondents. Such view of the matter, the petitioner is directed to give reply to the impugned demand notice within a period of one month from today. On receipt of the reply, the respondents shall consider the same on merit and pass appropriate orders in accordance with law. Consequently, connected miscellaneous petitions are closed.

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N.SATHISH KUMAR,J.

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Index: Yes/No

Speaking order/Non speaking order

vaan

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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