



W.A.No.3375 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.3375 of 2023

1. The District Collector
Tiruppur, Tiruppur District.
 2. The Assistant Director of Geology and Mines
Tiruppur, Tiruppur District.
- .. Appellants

Vs.

1. S.Duraisamy
 2. M.Palanisamy
 3. R.Sivakumar
- .. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 11.12.2018 in W.P.No.958 of 2018.

For the Appellant : Mr.S.Silambannan
Additional Advocate General
assisted by Mr.T.K.Saravanan
Government Advocate



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JUDGMENT
(Delivered by the Hon'ble Chief Justice)

Heard Mr.S.Silambannan, learned Additional Advocate General assisted by Mr.T.K.Saravanan, learned Government Advocate for the appellants.

2. The appellants are challenging the order passed by the learned Single Judge, thereby disposing of the writ petition filed by the present respondents. The learned Single Judge passed the following orders:

8. The District Level Experts Appraisal Assessment Committee recommended for the rejection of the Environment Clearance for the proposed stone quarry in S.F.Nos.134/1 and 134/9. But, in the counter affidavit, it is stated that no final order has been passed. Therefore, in the interest of justice, this Court is inclined to pass the following orders:

i) the first respondent is directed to pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order



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after providing opportunity to the parties concerned.

ii) It is made clear that in the event of any rejection order passed by the District Collector for execution of the lease deed and for granting permission for quarry operations in the aforesaid period, the respondents are directed to consider awarding of reasonable interest for the period from the date of deposited amount, till the date of realisation.

3. Learned Additional Advocate General submits that under the Rules, there is no provision for grant of interest. Interest cannot be granted *de hors* the provisions. The amount has been refunded to the original petitioners in March, 2022. No question would arise for grant of interest.

4. It appears that there was an impediment for the petitioners to carryout the stone quarry operation. The petitioners could not get environmental clearance because of the impediment. In fact, the appellants ought not to have auctioned the land in such case. Be



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that as it may, the amount is refunded to the petitioners in March, 2022. Learned Single Judge has directed to award reasonable interest. The appellants have retained the amount for almost 4 ½ years. In the light of that, we do not find any error on the part of the learned Single Judge in passing the impugned order.

5. The writ appeal, as such, stands dismissed. There will be no order as to costs. Consequently, C.M.P.No.27562 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No

Neutral Citation : Yes/No

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(drm)

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