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Review Application No.470 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2023

CORAM:
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

Review Application No.470 of 2017

against

W.P.No.21261 of 2011

1.The District Collector,
Vellore District, Vellore.

2.The Deputy Director,
Geology and Mining,
Vellore District.

...Petitioners

Vs.

T.N.Thanappan

...Respondent

PRAYER : Review Application filed under Order 47 Rule 1 read with Section 114 of C.P.C. praying to review the Order of His Lordship Mr.Justice K.Venkataraman dated 29.04.2013 and made in W.P.No.21261 of 2011 on the file of High Court of Judicature of Madras for the following among other.

For Petitioners : Mr.T.Arun Kumar, AGP
For Respondent : Mr.S.Gopinathan



ORDER

The review application has been filed by the District Collector Vellore

District to review the order dated 29.04.2013 passed in W.P.No.21261 of 2011.

2.This Court passed an order in the writ petition as follows:

“5.While considering the said submissions made by the learned counsel for the petitioner and the learned Additional Government Pleader, I am of the considered view that when the petitioner was permitted to have the quarry stone in the place in question from 1997, suddenly the respondents cannot wake up and say it is a grace pramboke. Further more, the unilateral cancellation of the same is totally violative of all canons of law.

6.Therefore, the impugned order of the first respondent, dated 31.08.2011, is liable to be set-aside and accordingly, the same is set aside. The writ petition stands allowed. The first respondent is hereby directed to execute the lease deed in favour of the rough stone quarry in the property in question. The said exercise has to be carried out within a period of four weeks form the date of receipt of a copy of this order. No costs. Consequently connected Mps



are closed.”

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3.The learned Additional Government Pleader appearing on behalf of the review petitioners mainly stated that the petition was filed during the relevant point of time in the year 2011 on the ground that in the event of allowing the writ petitioner for executing the lease deed for quarrying stone, the very purpose of protecting the grazing ground to safeguard the cattle wealth will be defeated. The grazing ground poramboke is to be protected and the government orders are also in force in this regard.

4.However, the learned Additional Government Pleader furnished the copy of the written instructions given by the Assistant Director, Department of Geology and Mining Tirupattur District, who in turn has said that the writ petitioner Mr.T.N.Thanappan submitted a representation on 26.04.2023 to the District Collector, Tirupattur and requested to refund the said lease amount, security deposit and area assessment paid for the said inquiry as he said that he is not so well to carry out the calling operations. The writ petitioner has further stated that he will not press the contempt petition in



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Cont.P.No.1561 of 2014. The Assistant Director has further stated that the request of Mr.T.N.Thanappan shall be processed for the refund of lease amount and other amounts as per law immediately.

5.In view of the fact that the Assistant director promised that the process to refund the lease amount and other amounts due to the petitioner will be settled as per the law immediately, no further adjudication is required. The review petitioners are directed to proceed with the process and refund the lease amount and other amounts due to the writ petitioner within a period of 8 weeks from the date of receipt of a copy of this order. Accordingly, the review application stands **disposed of**. No costs.

27.04.2023

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(Sha)

Index : Yes
Speaking order : Yes
Neutral citation : Yes



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Geology and Mining,
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S.M.SUBRAMANIAM, J.

(Sha)

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(½)