



WP(MD)No.4717 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **04.10.2023**

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.4717 of 2020

and

W.M.P.(MD)No.4092 of 2020

Tharanyaa

...Petitioner

/Vs./

1.The District Collector,
Office of the District Collector,
Korampallam,
Tuticorin – 628 101.

2.The Additional Director of Mining & Geology,
Tuticorin.

3.M/s.Industrial Mineral Company,
No.2, KRM Centre, 5th Floor,
Harrington Road, Chetpet,
Chennai – 600 031.

...Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to consider the representation of the petitioner dated 12.12.2019 and remove the frozen stocks belonging to the 3rd respondent stored in the Godown of the petitioner measuring an extent of 37850 sq ft at S.No.54/1 Tiruchendur Road, Mullakkadu Village, Thoothukudi and handover vacant possession of the said Godown to the petitioner.



WP(MD)No.4717 of 2020

For Petitioner : Mr.AL.Gandhimathi
For Respondents : Mr.Veera Kathiravan (R1 & R2)
Additional Advocate General
Assisted by Ms.Farjana Ghoushia
Special Government Pleader
No appearance (R3)

ORDER

This writ petition has been filed for issuance of writ of mandamus directing the first respondent to consider the representation made by the petitioner on 12.12.2019 and to remove the minerals that were stored by the third respondent in the godown belonging to the petitioner and hand over vacant possession of the godown to the petitioner.

2. The order passed by this Court on 24.03.2023 encapsulates the issue that is involved in the present case and for proper appreciation, the same is extracted hereunder:-

“The third respondent though served has not entered appearance. He is, therefore, set ex-parte.

2. It is informed that the third respondent, who has taken the premises viz., the warehouse on lease, has illegally stored Beach Sand Minerals like Garnet, Ilmenite, Rutile, etc. The District Collectors, Tuticorin, Tirunelveli, Tiruchirapalli,



WEB COPY



WP(MD)No.4717 of 2020

Kanniyakumari and Madurai have been directed by orders of the Government dated 08.08.2013 and 17.09.2013 to stop the mining operations with reference to these minerals and during the inspection, the storage of these minerals in the petitioner's premises has come to light. Accordingly, the District Collector, Tuticorin has sealed the godown of the petitioner. The petitioner is today in a situation where he is neither receiving the rent nor is he able to let out the premises to any third party, since the illegally stored minerals continue to remain in the warehouse and the same cannot be sold in the open market, as they are minerals which are used for manufacturing of bombs and therefore, there is a threat to the security of the country.

3. The learned Additional Advocate General would submit that steps have been taken to confiscate the said minerals. Once the confiscation order is passed, they would take steps to remove the same from the premises of the petitioner. He would submit that this would take some time.

4. Therefore, the first respondent shall take steps at the earliest to obtain the confiscation order and set in motion the process of removing the minerals from the premises at least within a period of two months.

5. Post this writ petition on 05.06.2023.”

3. The learned Additional Advocate General appearing on behalf of the first and second respondents submitted that steps have been taken to issue notice to the third respondent for initiation of confiscation proceedings. The learned Additional Advocate General further submitted that a batch of writ



WP(MD)No.4717 of 2020

petitions are pending before the Hon'ble First Bench at the Principal Seat of this Court in WP.No.1592 of 2015 etc and in that batch, the first Bench is in the process of revolving the procedure with regard to the manner in which the minerals will have to be dealt with after the confiscation order is passed. The learned Additional Advocate General therefore submitted that confiscation proceedings will be completed and ultimately the first and second respondents will await the final orders to be passed in the Principal Seat of this Court with regard to disposal of the minerals.

4. The learned Senior Counsel appearing on behalf of the petitioner submitted that the third respondent was a tenant and the warehouse was given to him on lease. The third respondent did not pay the rent and had indulged in illegal mining and as a result, the petitioner has been put to irreparable loss and hardship. The learned Senior Counsel further submitted that a suit was also filed against the third respondent in C.S.No.126 of 2021 before the Principal Seat of this Court for recovery of arrears of rent and an exparte decree was also passed in this suit.

5. The learned senior counsel also submitted that even in the earlier order passed on 24.03.2023, this Court had directed the official respondents to



WP(MD)No.4717 of 2020

proceed further with the confiscation proceedings and remove the minerals from the premises atleast within a period of two months and this direction has not been complied with. It was contended that the petitioner is now interested in getting back the possession of the godown, since the petitioner has already incurred heavy loss.

6. The third respondent, who has been served with notice has not chosen to enter appearance and he was already been set exparte by this Court in the previous order passed on 24.03.2023. The official respondents are also in the process of issuing notice to the third respondent for the purpose of going ahead with the confiscation proceedings.

7. In the considered view of this Court, there is no bar for the official respondents to proceed further with the confiscation proceedings and the pendency of the batch of writ petitions before the Principal Seat of this Court will have no bearing upon the same. Hence, the official respondents will have to proceed further with the confiscation proceedings and the confiscation order has to be passed within a period of six weeks from the date of receipt of a copy of this order.



WP(MD)No.4717 of 2020

8. Insofar as the disposal of the minerals is concerned, the official respondents will await the final orders to be passed by the First Bench in the Principal Seat of this Court with respect to the manner in which such disposal of the minerals will take place. By then, atleast confiscation proceedings can be concluded. Except giving this clarity, no further orders are required to be passed in this writ petition.

9. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

04.10.2023

NCC : Yes/No
Internet :Yes/No
Index :Yes/No
sm



WP(MD)No.4717 of 2020

WEB COPY

- TO:
- 1.The District Collector,
Office of the District Collector,
Korampallam,
Tuticorin – 628 101.
 - 2.The Additional Director of Mining & Geology,
Tuticorin.



WEB COPY



WP(MD)No.4717 of 2020

N.ANAND VENKATESH, J.

sm

Order made in
W.P.(MD)No.4717 of 2020

Dated:
04.10.2023