



WEB COPY

W.P.No.7260 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 19.03.2024**

**CORAM**

**THE HONOURABLE DR.JUSTICE ANITA SUMANTH**

**W.P.No.7260 of 2024**

C.Periyasamy

.... Petitioner

Vs

1. The Deputy Director of Mining and Geology,  
Office of the District Collector, Salem.

2. The District Collector, Salem.

3. The Sub Collector, Mettur.

.... Respondents

**Prayer:** Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing respondents 1 and 2 to consider the representation dated 09.03.2024 of the petitioner and forthwith issue transport permit to quarry rough stone in the lands of an extent of 1.00.0 hectares in Survey No.12, part 2, Jagadevapatti Village, Omalur Taluk, Salem District.

For Petitioner : Mrs.AL.Gandhimathi, Senior Counsel  
for Mr.L.Palanimuthu

For Respondents : Mr.Veda Bhagath Singh  
Special Government Pleader

**ORDER**



W.P.No.7260 of 2024

Mr.Veda Bhagath Singh, learned Special Government Pleader

accepts notice for the respondents and is armed with instructions to enable final disposal of this Writ Petition, even at the stage of admission.

2. The petitioner claims to have been successful in a public auction conducted for lease of lands in S.No.12, Part 2, Jagadevampatti Village, Omalur Taluk, Salem District ('land'/'land in question') for mining of rough stone, sized stone, chakkai and jelly and claims to have been carrying on leasing operations there.

3. While this is so, from 07.02.2022, the petitioner has not been issued with transport permits. Hence, he filed a Writ Petition in W.P.No.20709 of 2022 praying for a mandamus for consideration of his representation for issuance of transport permit to quarry rough stone.

4. The stand of the respondents in that Writ Petition was that the petitioner had quarried in excess of the permitted limits and that enquiry was on-going in that regard.

5. This Court, by order dated 19.09.2022, disposed that Writ Petition directing the Sub-Collector, Mettur/R3 to complete the enquiry within a period of three weeks and pass appropriate orders.

6. The enquiry culminated in an order imposing seigniorage fee of



W.P.No.7260 of 2024

Rs.43,07,000/- and penalty of equal amount, totalling Rs.86,14,000/-.

Though the petitioner has filed an appeal as against that order, learned Senior Counsel submits that the petitioner is ready to pay the amount and withdraw the appeal.

7. There is a discrepancy between the oral submission made as above and paragraph 9 of the affidavit, where the petitioner has indicated that the amount would be paid pending disposal of the appeal. When this is pointed out, additional affidavit dated 19.03.2024 is filed, where the petitioner confirms that he wishes to withdraw the appeal and will not contest the levy of Seigniorage fee and penalty. This is recorded.

8. In light of the above, mandamus is issued directing the respondents to take appropriate action on the representation of the petitioner dated 09.03.2024 and issue transport permit, if found appropriate, in accordance with law and all Rules and Regulations, within a period of two (2) weeks from date of receipt of a copy of this order.

**Dr.ANITA SUMANTH,J.**



W.P.No.7260 of 2024

9. This Writ Petition is disposed as above. No costs.

WEB COPY

19.03.2024

Index: Yes/No  
Speaking order  
Neutral Citation: Yes  
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To

1. The Deputy Director of Mining and Geology,  
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2. The District Collector, Salem.
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**W.P.No.7260 of 2024**