



W.P.No.13599 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.13599 of 2021

K.G.M.Minerals (P) Ltd.,
Rep.by its Managing Director
K.M.Ramakrishnan,
Door No.107, State Bank Colony,
III Phase, Salem – 636 004.

... Petitioner

Vs

1. The Government of India,
Rep. by its Secretary to Government,
Ministry of Mines, Shastri Bhavan,
New Delhi.
2. The Commissioner of Geology and Mining,
Guindy,
Chennai – 600 032.
3. The District Collector,
Ariyalur District,
Ariyalur.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent in his proceedings in final order No.17/2003 dated



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11.03.2003 and quash the same and consequently direct the first respondent forward the matter to file of the second respondent i.e. the Commissioner of Geology and Mining, Guindy, Chennai – 32 for fresh consideration according law (liberty granted in W.P.No.11808 of 2023 dated 06.12.2017 for filing fresh writ petition).

For Petitioner : Mr.V.Murugavel

For Respondents : Mr.B.Sudhir Kumar,
Senior Panel Counsel (for R1)

Mr.E.Vijay Anand,
Additional Government Pleader
(for R2 & R3)

ORDER

The Writ Petition has been filed challenging the order passed by the first respondent dated 11.03.2003, thereby the request made by the petitioner, was dismissed.

2. The representing counsel for the petitioner submitted that the sole counsel on record died.



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3. On a perusal of the records, it reveals that the petitioner filed a revision as against the order of the first respondent, thereby, the request made by the petitioner to grant lease in respect of the subject property, was rejected. After a period of 18 years, the order of revision has been challenged in this Writ Petition. Further, it reveals that the lease was granted in favour of the Tamil Nadu Cements Corporation Limited, pursuant to which, the entire acquisition of land has been completed and the entire award amount has also been paid. The subject land was covered under a notification for reservation and issued under erstwhile Rule 58 of the Mineral Concession Rules, 1960 (hereinafter referred to as 'the Rules' for short).

4. As a matter of fact, any notification gazetted by the State Government under the erstwhile Rule 58 of the Rules for exclusive exploitation of certain areas by State public sector undertakings, is valid. Notification will be in existence till the area is de-notified by the State Government. Therefore, it cannot be said that the Notification itself is not valid. The said Tamil Nadu Cements Corporation Limited had paid prospecting charges and had also paid the entire compensation for



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acquisition of the land for the area applied by the petitioner and that the said Tamil Nadu Cements Corporation Limited had applied for grant of mining lease for that area much before the petitioner. Therefore, the request made by the petitioner was rightly rejected and the same was also confirmed by the first respondent by way of revision. Hence, this Writ Petition is devoid of merits and it is liable to be dismissed.

5. In the result, the Writ Petition is dismissed. No costs.

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Index:Yes/No
Neutral Citation/Yes/No
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G.K.ILANTHIRAIYAN, J.

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