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W.P.No.19764 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2024

CORAM:

THE HON'BLE Mrs.JUSTICE **V.BHAVANI SUBBAROYAN**

**W.P.No.19764 of 2024 &
W.M.P.No.21735 of 2024**

1. Ahmedishameem
2. Arifa Thasim
3. Fahim Hafiz
4. Syed Ahmed Mohideen
5. Syedabadar Fouzia
6. Syed Mohameed Ghouse
7. Athiya Hamid
8. Syeda Fariha Kulsum
9. Vahab Syeda Ayisha Bathul
10. Imrana Tabassum Irfan
11. Syeda Rumana Anjum Irfan
12. Syeda Shabana Tajassum Irfan
13. Saud Syed Irfan
(Petitioners 1 to 13 are rep. By their power
agent L.Vijayasanthi)

... Petitioners

Vs.

1. The State of Tamilnadu
rep. By the Additional Chief Secretary to Government,
the Industries Department,
Secretariat, Fort St. George
Chennai – 600 009

2. The State of Tamilnadu
rep. By the Additional Chief Secretary to Government,
the Natural Resources Department,
Secretariat, Fort St. George
Chennai – 600 009

[Suo motu impleaded]

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for

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issuance of a Writ of Mandamus directing the respondent to consider the representation dated 24.05.2024 of the petitioner and pass appropriate orders on merits and in accordance with law, within a time frame to be fixed by this Court.

For Petitioner : Mr.M.Elumalai

For Respondents : Mr.M.Venkateswaran
Special Government Pleader

ORDER

The present Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to consider the representation dated 24.05.2024 of the petitioner and pass appropriate orders on merits and in accordance with law, within a time frame to be fixed by this Court.

2. The brief facts of the case are as follows:-

(i) The lands of the petitioners were given as a lease in favour of M/s Magnate Syndicate Limited, for a period of 30 years for a monthly lease of Rs.3.75. Subsequently, the said company was taken over by the Government of India and renamed as M/s Burn Standard Company Limited, Salem. Therefore, the petitioner, earlier filed W.P.No.18879 of 1993, challenging the acquisition of the said land and the same was dismissed by this Court. The petitioner submitted a representation dated 09.01.2001 to the respondent herein to re-convey the lands, since M/s Burn



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Standard Company Limited, is in possession of vast extent of lands nearby to dump the waste materials from mines. As the said representation was not considered, one Haji Syed Abdul Wahab Shuttari filed W.P.No.1175 of 2001 before this Court, this Court by an order dated 23.01.2001 directed the respondent to consider his request and to pass appropriate orders on merits.

(ii) In compliance with the same, the respondent herein called for certain particulars, however, from the year 2004 to 2014, the matter has not attained finality. On 14.11.2014, the said Haji Syed Abdul Wahab Shuttari died leaving behind the writ petitioners herein as his legal heirs. The petitioners caused field inspection and inferred that the lands are lying vacant and it has not been utilised for any purpose for the past 30 years from 1992 to 2023. Again the petitioner submitted a representation dated 21.08.2023 to the respondent to re-convey the lands to the petitioners herein on the ground that the lands are kept idle without being put to any use. On the basis of the said representation, the respondent called upon the particulars from the Director of Geology and Mining, Chennai and the District Collector, Salem. But further action was not taken by the respondent herein. Therefore, the petitioner filed W.P.No.31205 of 2023 and the same was dismissed by stating that there is no impediment to the officials to consider the representation submitted by the petitioners as well



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his father. On the basis of the same, the petitioner made a representation dated 24.05.2024, but still there is no response from the respondent, hence this petition.

3. Per contra, the learned Special Government Pleader appearing for the respondents would submit that the subjects relating to mines and minerals were separated from Industries, IP&C Department and a new department called Natural Resources Department was created and the copies of typed set of papers has been transferred to Natural Resources Department and the said Department has also requested to send the detailed instruction on the petitioner's representation dated 24.05.2024 . Further, necessary orders will be passed by that department on the representation of the petitioner dated 24.05.2024.

4. Heard the learned counsel on either side and perused the documents placed on record.

5. On going through the Letter No.7940185/SIPCOT-LA/2024-3 dated 29.07.2024 produced by the respondent, it is seen that subject relating to mines and minerals were separated from Industries, IP&C Department and a new department called Natural Resources Department was created and the copies of typed set of papers has been transferred to Natural Resources Department and the said Department has also



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requested to send the detailed instruction on the petitioner's representation dated 24.05.2024. Further, the respondent has also indicated that necessary orders will be passed by that department on the representation of the petitioner dated 24.05.2024.

6. Considering the fact that the Department of Mines and Minerals has been bifurcated from Industries, IP&C Department and a new Department called Natural Resources Department was created and the copies of typed set of papers has been transferred to the said department vide U.O.Note No.7940185/SIPCOT-LA/2024-2 on 22.07.2024, the Department of Natural Resources Department, is hereby directed to consider the representation of the petitioner dated 24.05.2024 within a period of twelve weeks from the date of receipt of copy of this order.

In the result, the Writ Petition is disposed of. Consequently connected miscellaneous petition is closed. No costs.

30.07.2024

Index:Yes/No
Internet:Yes/No
Speaking / Nonspeaking order
ssd

To

1. The State of Tamilnadu

<https://www.mhc.tn.gov.in/judis>



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rep. By the Additional Chief Secretary to Government,
the Industries Department,
Secretariat, Fort St. George
Chennai – 600 009

2. The State of Tamilnadu
rep. By the Additional Chief Secretary to Government,
the Natural Resources Department,
Secretariat, Fort St. George
Chennai – 600 009

V.BHAVANI SUBBAROYAN J.

ssd

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