



WEB COPY



W.P. No.19743 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2024

CORAM:

THE HON'BLE MR. JUSTICE G.K. ILANTHIRAIYAN

W.P. No.19743 of 2022 and
W.M.P.No.19054 of 2022

C.Vijayalakshmi

.... Petitioner

vs.

1. The District Collector,
Kancheepuram District,
Kancheepuram.

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

.... Respondents

Prayer : Writ Petition is filed under Article 226 of Constitution of India to issue a writ of Mandamus directing the 1st respondent to consider the representation of the petitioner dated 06.05.2022 and consequently direct the first respondent to return the Demand Draft bearing No.248919378 / 891937 dated 05.03.2008 drawn on Indian Overseas Bank, Tambaram Branch, enabling the petitioner to cancel and encash the same.

For Petitioner : Mrs.A.L.Ganthimathi
Senior Counsel for
Mr.A.R.Karthiklakshmanan

For Respondents : Mr.E.Vijay Anand,
Additional Government Pleader



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ORDER

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2. The respondents had called for application for grant of stone quarry comprised in S.No.99/1, Quarry No.4 ad-measuring 3.00.0 hectares in Keerapakkam Village for the period upto 31.03.2001. As per the notification the tender cum public auction was conducted on 29.10.1996. The petitioner was declared as highest bidder. The petitioner had paid sum of Rs.5,55,000/- for the first year and as per the tender conditions the lease amount would be enhanced by 20% for the subsequent years. Accordingly, the lease deed was executed in favour of the petitioner on 15.11.1996. While being so, the adjacent quarry operator had filed a writ petition before this Court in W.P.No.16292 of 1996 in respect of the boundary issues and obtained order of status-quo. In view of the said interim order, the petitioner was not allowed to commenced the quarrying operations. Hence, this petitioner also filed writ petition before this Court in W.P.No.17854 of 1996 for direction



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directing the respondents to hand over the quarry site as per the lease deed and also seeking permission to quarry for a full term of five years from the date of such handing over the land. Subsequently, the writ petition was dismissed and the petitioner filed appeal and the same was allowed and directed the respondents to extend the lease period for further period of four years by enhancing the lease amount by 50% of the earlier bid. Accordingly, the petitioner submitted representation along with Demand Draft for a sum of Rs.8,32,500/-. However, there was no response from the respondents. Therefore, the petitioner submitted representation before the first respondent seeking return of Demand Draft dated 05.03.2008.

3. The learned counsel for the respondents would submit that the request made by the petitioner is under consideration and the amount will be returned to the petitioner after verifying that there is any violation or pending dues will be paid by the petitioner. Aggrieved by the order passed by the Hon'ble Division Bench of this Court, the respondents filed Special Leave Petition before the Hon'ble Supreme Court of India. While pending the appeal before the Hon'ble Supreme Court of India the Demand Draft was kept pending and since it was not able to revalidate.



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The Bank Manager had issued fresh demand draft on 30.09.2023 with a validity of three months. However, after receipt of the Demand Draft, the petitioner was not permitted to quarry and as such the petitioner is entitled to refund all the amount which was paid by the petitioner.

4. Therefore, if the Demand Draft is not encashed sofar, the first respondent is directed to return the Demand Draft to the petitioner and if the Demand Draft encashed, the respondents are directed to refund the amount which was deposited by the petitioner within a period of four weeks from the date of receipt of copy of this order.

5. With the above direction, this writ petition is allowed. Consequently, connected miscellaneous petition is closed. No order as to costs.

04.06.2024

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
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To

1. The District Collector,
Kancheepuram District,
Kancheepuram.

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



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G.K. ILANTHIRAIYAN, J.

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