



W.P(MD)No.8299 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8299 of 2020

and

W.M.P.(MD)No.7691 of 2020

C.Senthilkumar

... Petitioner

Vs.

- 1.The Chief Controller of Mines,
Indian Bureau of Mines,
C4A Complex, Rajaji Bhavan,
Besant Nagar, Chennai.
- 2.The Regional Controller of Mines,
Indian Bureau of Mines,
C4A Complex, Rajaji Bhavan,
Besant Nagar, Chennai.
- 3.The Controller of Mines,
Indian Bureau of Mines,
New Secretariat Building,
Nagpur.
- 4.The Secretary,
Ministry of Mines,
Shastri Bhavan,
New Delhi.
- 5.The Director of Mines Safety,
Oorgaum, Karnataka State.



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6. The Director,
Central Vigilance Commission,
A-Block, GPO Complex,
Satarkta Bhavan, New Delhi.
7. The Director,
Vigilance and Anti-Corruption,
Chennai.
8. The Director,
Department of Geology and Mining,
State of Tamil Nadu,
Thiru.Vi.Ka Industrial Estate,
Guindy, Chennai - 32.
9. The District Collector,
Karur District, Karur.
10. The Assistant Director,
Department of Geology and Mining,
Karur District, Karur.
11. The District Revenue Officer,
Karur District, Karur.
12. The Revenue Divisional Officer,
Kulithalai, Karur District.
13. The Tahsildar,
Kadavur Taluk, Kadavur,
Karur District.
14. The Branch Manager,
Indian Overseas Bank, Kaliyanoor Branch,
Pallipalayam, Namakkal District.
15. G.Selvaraj (a) Veppadai Selvaraj

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for records pertaining to the impugned order passed by the 10th Respondent vide his proceedings in Na.Ka.No.105/Mines/2018-12 dated 09.6.2020 and quash the same.

For Petitioner : Mr.S.Madhavan

For Respondents : Mr.S.Jeyasingh,
Central Govt. Standing Counsel for R1 to R4.
Mr.A.Albert James,
Government Advocate (Crl. Side) for R7.
Mr.V.Nirmal Kumar,
Government Advocate for R8 to R13.

ORDER

Heard the learned counsel for the writ petitioner, the learned Central Government Standing Counsel for the Central Government, the learned Government Advocate for the State Government and the learned Government Advocate (Crl. Side) for the seventh respondent. Notice issued to the fifteenth respondent could not be served.

2.The petitioner challenges the impugned memorandum dated 09.06.2020 issued by the Assistant Director of Geology and Mining, Karur calling upon the



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petitioner to pay a sum of Rs.15,760/- towards dead rent for the year 2015 – 2017.

3.The case of the petitioner is that even though he was granted quarry license in the year 2001 for a period of 20 years, he had stopped quarrying operation in the year 2012 itself and that he had sold the land in favour of the fifteenth respondent.

4.In this regard, the petitioner had earlier filed W.P.(MD)No.8294 of 2020. Vide order dated 25.08.2020, the following order was passed:-

“2.The Principal Secretary to Government, Industries Department, Secretariat, State of Tamil Nadu, Fort St.George, Chennai 600 009, is suo motu impleaded as 16th respondent in this Writ Petition. Mr.M.Rajaraman, learned Additional Government Pleader takes notice for the newly impleaded 16th respondent.

3. The writ petitioner was the owner of certain lands in Varavanai Village, Kulithalai Taluk, Karur District. He obtained for mining limestone. The lease was given on 30th March 2001 for a period of twenty years. The petitioner states that he had stopped the quarrying operations in the



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year 2012 itself. He sold the lands in question in favour of one Selvaraj, who has been shown as the 15th respondent. The petitioner states that even thereafter his signatures have been forged and the private respondents are continuing to operate the lease. Therefore, the petitioner has given a representation dated 16.06.2020 for initiating action in this regard. Since the official respondents did not respond, this Writ Petition came to be filed.

4. When the matter was taken up for hearing, the learned Additional Government Pleader on instructions submitted that the District Collector, Karur District, vide letter dated 12.03.2020 had sent a proposal to the Government to cancel the mining lease.

5. The impleaded 16th respondent has to take a call in the matter. The 16th respondent is directed to pass final orders on the proposal sent by the District Collector, Karur, in this regard, within a period of six weeks from the date of receipt of a copy of this order. Notice to the respondent Nos.1 to 6, 14 and 15 is dispensed with in view of the nature of the order to be passed herein. I make it clear that I have not gone into the merits of the matter. All that I have directed is expediting the entire process at the hands of the Government.



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6. *The writ petition stands disposed of accordingly.*

No costs.”

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5.It is stated by the learned counsel on either side that the Principal Secretary to Government, Industries Department is presently conducting enquiry and that final order is yet to be passed. The Principal Secretary to Government, Industries Department, State of Tamil Nadu is directed to comply with the direction made in W.P.(MD)No.8294 of 2020 within a period of eight weeks from today. The impugned demand will abide by the outcome of the said enquiry. It shall be put on hold till the final order is passed by the Principal Secretary to Government, Industries Department. I make it clear that I have not gone into the merits of the matter.

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

03.01.2024

NCC : Yes/No

Index : Yes / No

Internet : Yes/ No

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Note : The Registry to mark a copy of this order to The Principal Secretary to Government, Industries Department, Secretariat, State of Tamil Nadu, Fort St.George, Chennai 600 009.



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To:-

WEB COPY

- 1.The Director,
Vigilance and Anti-Corruption,
Chennai.
- 2.The Director,
Department of Geology and Mining,
State of Tamil Nadu,
Thiru.Vi.Ka Industrial Estate,
Guindy, Chennai - 32.
- 3.The District Collector,
Karur District, Karur.
- 4.The Assistant Director,
Department of Geology and Mining,
Karur District, Karur.
- 5.The District Revenue Officer,
Karur District, Karur.
- 6.The Revenue Divisional Officer,
Kulithalai, Karur District.
- 7.The Tahsildar,
Kadavur Taluk, Kadavur,
Karur District.

Copy to :-

The Principal Secretary to Government,
Industries Department, Secretariat,
State of Tamil Nadu, Fort St.George,
Chennai 600 009.



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G.R.SWAMINATHAN, J.

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