



W.P.(MD)No.22471 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.11.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.22471 of 2024

M/s. Annai Blue Metals

Represented by its Managing Partner

S. Karthika, W/o.S.Selvakumar,

S.F.No. 451/3, Kalipalayam,

Karudayampalayam Post,

Kuppam Village, Pugalur Taluk,

Karur District.

... Petitioner

/Vs./

1. The District Collector

The Collectorate,

Karur District.

2. The Deputy Director

Department of Geology and Mining,

Room No.302, 3rd Floor,

Collectorate, Karur - 639 007.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 2nd respondent to execute the quarry lease deed for quarrying Rough Stone and gravel in S.F.No. 682 (Part) in Kuppam Village Pugalur Taluk Karur District measuring an extent of 1.92.0 hectares in favour of petitioner firm within the time stipulated by this Court.



W.P.(MD)No.22471 of 2024

WEB COPY

For Petitioner : Mr.O.R.Gokul Abimanyu
for M/s.C.Arulvadivel Associates
For Respondents : Mr.D.Gandhi Raj
Special Government Pleader

ORDER

This Writ Petition has been filed for direction, to direct the second respondent to execute the quarry lease deed for quarrying rough stone and gravel in S.F.No. 682 (Part) in Kuppam Village, Pugalur Taluk, Karur District, measuring an extent of 1.92.0 hectares in favour of the petitioner firm.

2. Heard the learned counsel on either side.

3. The petitioner is the partnership Firm. Originally it consist of 4 persons, viz., K.Saravanan, K.Shanmugasundaram, S. Rajeshkumar and S.Selvakumar. They have obtained valid lease to quarry rough stone and gravel the land, to an extent of 2.64.5 Hectares of patta land in S.F.No. 628/part, Kuppam Village and they are granted lease for a period of five



W.P.(MD)No.22471 of 2024

years for the proceedings dated 30.12.2009 in Rc.B.349/G&M/2009, after quarrying for a period of five years, the lease period expires. Thereafter, on 23.04.2018, the present partners, viz., S.Karthika and P.S.Sivakumar have inducted as partners and the erstwhile partners have executed a release deed on 11.07.2018 registered vide document No. 1079/2018. Thereafter, on inspection in the year 2022, in the rough stone quarry and gravel in the subject property found that there was excess quarrying of rough stone and gravels. Therefore, action has been taken under Rule 36 A of Tamil Nadu Minor Mineral Concession Rules (herein after referred as TNMMCR), 1959, by the Revenue Divisional Officer, Karur. All the partners were called for enquiry and they made statements. After considering the statements and report submitted by the Village Administrative Officer, Revenue Department, impose penalty to the tune of Rs.83,25,500/- payable by all the six persons, including the present partners.

4. Aggrieved by the same, the partners filed an appeal before the first respondent and it is pending. While pending the proceedings, the present partners applied for lease for the very same property, which is pending.



W.P.(MD)No.22471 of 2024

WEB COPY

5. On perusal of the counter filed upon the first respondent and submission made by the Special Government Pleader, it is seen that the petitioner and the erst while partners were imposed penalty by the Revenue Divisional Officer and the proceedings initiated under Rule 36 A of Tamil Nadu Minor Mineral Concession Rules (herein after referred as TNMMCR), 1959, to the tune of Rs.83,25,500/-. They involved in the illegal quarrying activities and thereafter they were released from the partnership Firm. Thereafter, their own family members were inducted as partners and applied for lease for the very same property to quarry.

6. However, the learned counsel for the petitioner would submit that the present partners are ready and willing to deposit the penalty insofar as their shares are concerned and their application may be considered for lease in respect of the subject property.

7. In view of the above, the present partners, who are the family members of the erstwhile partner, are directed to deposit a sum of Rs. 35,00,000/- within a period of two weeks from the date of receipt of copy



W.P.(MD)No.22471 of 2024

WEB COPY

of this order to the credit of proceedings dated 05.08.2024, Na.Ka.A1/5566/2022, on the file of the Revenue Divisional Officer, Karur. On such deposit, the first respondent is directed to consider the application submitted by the present partners for grant of lease for quarrying rough stone and gravel in the land comprised in S.F.No.682 (part), in Kuppam Village, and pass order within a period of two weeks thereafter.

8. With the above direction, this Writ Petition is disposed of.

No costs.

21.11.2024

Index : Yes / No
Internet : Yes/No
NCC : Yes / No
LS

TO:-

1. The District Collector
The Collectorate,
Karur District.
2. The Deputy Director
Department of Geology and Mining,
Room No.302, 3rd Floor,
Collectorate, Karur - 639 007.



WEB COPY



W.P.(MD)No.22471 of 2024

G.K.ILANTHIRAIYAN, J.

LS

Order made in
W.P.(MD)No.22471 of 2024

Dated:
21.11.2024