



WEB COPY

WP No. 25519 of 2006



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-11-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 25519 of 2006

M/s.Dalmia Bharat Sugar and Industries Ltd.,
A Company incorporated under the Indian
Companies Act, 1913,
having its registered Office at Dalmiapuram District,
Tiruchirapalli, Tamil Nadu inter alia, carrying on
business under the name and style of Dalmia Magnesite
Corporation at Salem, Tamil Nadu 636 012
Rep. by its Legal Advisor, S.N.Mittal.

[Cause Title amended as per
Order Dated 08.09.2011 in
MP 1 of 2011 in WP 25518 of 2006]

Petitioner(s)

Vs

1.The State of Tamil Nadu
Represented by its Secretary to Government,
Department of Industries Labour and Co-operation,
Fort St. George, Chennai-9.

2.The District Collector
Salem 636001.

Respondent(s)

PRAYER: Writ Petition has been filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the first and second respondents to expeditiously consider and pass appropriate orders on the application dated 11.07.2005 made by the petitioner for renewal of lease for the Petition-Schedule Premises.

For Petitioner(s): M/s.T.Poornam

For Respondent(s): Mr.Stalin Abimanyu
Additional Government Pleader

ORDER



The writ petition has been filed forbearing the respondents from interfering with the mining of the aforesaid minerals by the petitioner at the petition schedule premises and to continue issue permits for removal of excavated minerals from the petition schedule premises on payment of the requisite royalty pending disposal of the application dated 11.07.2005.

2. It is the case of the petitioner that the petitioner obtained a mining lease deed on 30.03.1998 confirmed that the tenure of the lease was for a period of 20 years commencing retrospectively from 20.08.1986 to extend till 20.08.2006. The aforesaid lease deed also stipulated vide Clause 3 of Part VII that the lessee should renew the lease of the mining operation prior to 12 months. The petitioner has also made renewal application for renewal of lease on 11.07.2005 which is well within the period of 12 months and the same was not considered. Hence, the present writ petition.

3. The learned Special Government Pleader appearing for the respondents submitted that for non renewal of the mining lease, the present writ petition has been filed. However, by way of interim order, the petitioner continued the mining operation till 2018. Thereafter, he discontinued on the ground that he could not obtain an environmental clearance certificate as mandated.



4. Since the renewal application is not granted by the respondent, however, the petitioner has continued the operation of mining till 2018 by way of getting interim order. The period for mining license has already been expired much earlier and nothing survives for adjudication in the present writ petition. Hence, the writ petition is liable to be dismissed. Accordingly, the same is dismissed. No costs.

06-11-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

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To

1.The Secretary to Government,
State of Tamil Nadu
Department of Industries Labour and
Cooperation, Fort St. George,
Chennai-9.

2.The District Collector
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