



W.P.No.35979 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2025

CORAM

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.35979 of 2024

V.Gayathri

... Petitioner

Vs.

- 1.The District Collector,
Kancheepuram District.
- 2.The Revenue Divisional Officer,
Sriperumbudur Taluk,
Sriperumbudur,
Kancheepuram District.
- 3.The Tahsildhar,
Sriperumbudur Taluk,
Sriperumbudur,
Kancheepuram District.
- 4.The Village Administrative Officer,
Pillaipakkam Village,
Sriperumbudur Taluk,
Kancheepuram District.
- 5.The Project Officer,
SIPCOT Industrial Estate,



W.P.No.35979 of 2024

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Pillaipakkam, Sriperumbudur Taluk,
Kancheepuram District.

6.M/s.FS India Solar Ventures Private Limited,
Rep.by its Director,
Plot Nos.A-1/1 and A-1/2,
SIPCOT Industrial Park,
Kundrathur Main Road,
Pillaipakkam Village,
Sriperumbudur Taluk,
Kanchipuram District 602 105.

7.M/s.Tata Projects Limited,
The Project Director,
First Solar Project,
No.A-1/1, SIPCOT Industrial Park,
Kundrathur Main Road,
Pillaipakkam Village,
Sriperumbudur Taluk,
Kanchipuram District 602 105.

8.M/s.Malliga Infrastructure,
No.4, Second Street, Ramesh Nagar,
West Tambaram, Chennai 600 045.

9.M/s.Stem Infrastructure,
No.2, Ground Floor, Bhaathiyar Street,
M.G.R.Nagar, Tambaram West,
Chennai – 600 045.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India
praying for issuance of Writ of Mandamus, directing the second respondent



W.P.No.35979 of 2024

to consider and dispose of petitioner's representation dated 05.02.2024 in accordance with law.

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For Petitioner	:	Mr.K.N.Nataraja
For Respondents (R1 to R4)	:	Mr.M.Rajendiran Additional Government Pleader
(For R5)	:	Mr.Abishek Murthy Standing Counsel
(For R7)	:	Mr.P.J.Rishikesh
(For R8)	:	Mr.A.S.Shanmuga Rajan
(For R9)	:	Mr.S.Sharath Kumar
(For R6)	:	No appearance

ORDER

The writ petition has been filed to issue a Writ of Mandamus, to direct the second respondent to consider and dispose of the petitioner's representation dated 05.02.2024.

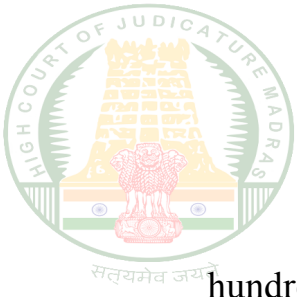


W.P.No.35979 of 2024

WEB COPY

2. The case of the petitioner is that the petitioner is the President of Pillaipakkam Panchayat. The petitioner stated that the 5th respondent is the Public Limited Company incorporated under the Companies Act, 1956 with an object to develop industrial area with basic infrastructural facilities and maintenance of such industrial area in Tamil Nadu. One such location is Plot No.A1/1 in SIPCOT Industrial Park at Pillaipakkam, within the village limits of Pillaipakkam, Taluk of Sriperumbudur and SRO Sriperumbudur in Kancheepuram Revenue District containing by admeasurement 110.00 acres or thereabouts bearing various Survey Numbers.

3. The petitioner also stated that the 5th respondent entered into an agreement of lease with one M/s.FS India Solar Ventures Private Limited/6th respondent for 99 years as per Clause 2.5 of the lease deed dated 05.08.2021 registered as document No.5803 of 2021 on the file of SRO, Sriperumbudur. In consideration of the aforesaid agreement of lease, the said M/s.FS India Solar Ventures Private Limited has paid a sum of Rs.170,19,10,800/- (Rupees One hundred seventy crores nineteen lakhs ten thousand eight

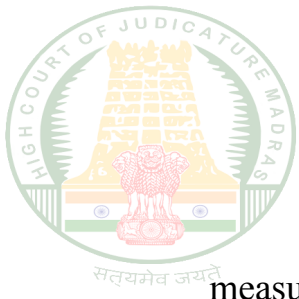


W.P.No.35979 of 2024

WEB COPY

hundred only). On the strength of the aforesaid lease deed, the 6th respondent awarded work contract for site area grading works at Solar TV manufacturing facility, SIPCOT Industrial Park, Pillaipakkam, Chennai to the 7th respondent. The 7th respondent herein had entered into a contract with the 8th respondent for an amount of Rs.25,39,99,000/- (Rupees Twenty five Crores thirty nine lakhs ninety nine thousand only) by work order dated 1st October 2021. According to the work order, the civil work has to be done in three parts.

4. It is further stated by the petitioner that on the aforesaid premises, the 1st respondent passed proceedings dated 07.12.2021 and granted permission to do the work awarded and also directed to pay dues to the Government. By the said act of excavation, the quantum of normal soil that may be received out of which 50,000 cubic metre may be removed within a period of 90 days from the date of such proceedings. By the said proceedings, permission was also given to the 7th respondent to remove and transport away the normal soil from the site demised in Survey No.29/2



W.P.No.35979 of 2024

WEB COPY

measuring about 27.13.5 Hectares. According to the aforesaid proceedings, it is the contention of the 2nd respondent by his letter dated 18.10.2021 that the area covered by the work order is levelled and only 3 feet normal soil is expected to be removed. Under that circumstance, the first respondent also directed to remove 376m x 266m x 0.5m, which works out 50,000 cubic metres normal soil to be removed by the said M/s.Malliga Infrastructure/8th respondent. Notwithstanding the fact, it is the undertaking given by the said M/s.Malliga Infrastructure that the payment of royalty/seigniorage on such minor mineral will be paid to the appropriate authority.

5. The petitioner stated that the proceedings of the first respondent dated 24.02.2022, permission was granted to remove the normal soil to the tune of 61,297 cubic metre to be excavated within 90 days from 14.03.2022 to 10.06.2022 in the very same Survey Numbers, which were allotted to M/s.Malliga Infrastructure/8th respondent. The only difference is that the latter one is designated as Part in each Survey Number. When the entire Survey Number is allotted to the former, viz., M/s.Malliga Infrastructure,

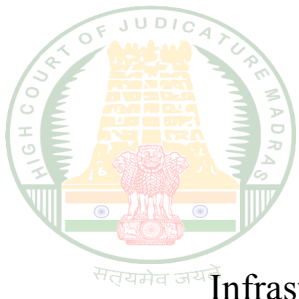


W.P.No.35979 of 2024

WEB COPY

there could not be part allotment later to another entity. But, M/s.Stem Infrastructure/9th respondent herein did not do any work in pursuance of the aforesaid proceedings dated 24.02.2022. In such a circumstance, it is not known why the proceedings were not known why the proceedings were not revoked or recalled and awarded to any other entity. Here, the entity caused huge loss to the exchequer by way of loss of revenue. This ultimately led to deprivation of the share of the Panchayat. According to the proceedings of the first respondent dated 28.07.2022, the stipulation is that 75% of the revenue generated from the quarries to be paid to Village Panchayat for the purpose of developing infrastructure facility of the village and the remaining 25% will go to nearby village, which was affected by such excavation and other things. As on that date, the petitioner's Panchayat received only a sum of Rs.39,92,101/- out of the amount allotted being a sum of Rs.53,22,801/-.

6. It is also stated that the 1st respondent extended the time limit by proceedings dated 15.12.2022, wherein it is stated that the said M/s.Malliga



W.P.No.35979 of 2024

WEB COPY

Infrastructure could not remove 50,000 cubic metre within the time of 89 days from 17.02.2022 to 16.05.2022 due to rains, which is false. There was no rain in the month of May 2022. The said proceedings liberally considered the alleged request of the said M/s.Malliga Infrastructure, the 8th respondent herein to excavate 47 cubic metres in 4 piecemeal of 13 cubic metres each. Such order is unsustainable in the eye of law. Moreso, when the dues to the Village Panchayat is not paid and there is no foolproof method adopted as per the Tamil Nadu Minor Mineral Concession Rules, 1959.

7. All the attempts of the petitioner to get adequate information in order to protect the interest of the Panchayat went in vein. Eventually, she has submitted a detailed comprehensive representation on 05.02.2024 to the first respondent to provide the following informations to the local Panchayat to set the right things in conformity with the guidelines of the Government:

- a. The total quantity of normal soil to be excavated from the site in tune with the approved proceedings of the first respondent to and in favour of M/s.Malliga



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W.P.No.35979 of 2024

Infrastructure and M/s.Stem Infrastructure in consonance with M/s.Tata Projects Limited, who is the lead contractor with M/s.FS India Solar Ventures Private Limited.

b. Whether the Government guidelines with regard to deposits towards Royalty/Seigniorage has been complied with by the contractors?

c. Whether the full excavation work is completed, if not the percentage of the work completed?

d. The quantum of money paid/deposited towards Royalty/Seigniorage by the contractors so far to the Mines Department and the amount due by the contractors as on date.

e. The modus operandi of excavating the soil and refiling and the amount involved therein and the share of money to be paid to the Panchayat.

8. The said representation was not considered by the 1st respondent.

Hence, the petitioner is constrained to move the present writ petition.



W.P.No.35979 of 2024

WEB COPY

9. The learned counsel appearing for the petitioner submitted that the petitioner has given a representation on 05.02.2024 to all the respondents 1 to 5 and the same has not been considered till date.

10. The learned Additional Government Pleader appearing for the respondents 1 to 4 submitted that the representation of the petitioner dated 05.02.2024 will be considered on merits and in accordance with law within the time frame that may be stipulated by this Court.

11. The learned counsel for the 9th respondent submitted that excavation of work has been completed after getting due permission from the 7th respondent.

12. Heard both sides.



W.P.No.35979 of 2024

WEB COPY

13. The first respondent/Collector is directed to consider the representation of the petitioner dated 05.02.2024, after giving due notice to the petitioner, to all the respondents concerned, give opportunity of personal hearing, to consider the documents filed by the respective parties, on merits, in accordance with law and pass appropriate orders within a period of three (3) months from the date of receipt of a copy of this order.

14. Accordingly, the writ petition stands disposed of with the above directions. No costs.

04.02.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation : Yes / No

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To

1.The District Collector,
Kancheepuram District.

2.The Revenue Divisional Officer,
Sriperumbudur Taluk,
Sriperumbudur,
Kancheepuram District.



W.P.No.35979 of 2024

WEB COPY

3. The Tahsildhar,
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W.P.No.35979 of 2024

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W.P.No.35979 of 2024

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