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WP Nos. 20722 & 36570 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2026

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THE HON'BLE MR JUSTICE M.DHANDAPANI

WP Nos. 20722 and 36570 of 2024

and

WMP Nos.22673, 22674 & 39431 of 2024

W.P No.20722 of 2024

S.Sundararajan
Proprietor, M/s.Sri Ponguru Magnesite Mines,
5/22 A, Periya Golla Patti, Kannan Kurichi Post,
Salem-636 008.

..Petitioner

Vs

1. State of Tamil Nadu
Rep. by its Secretary to Government,
Revenue Department, Secretariat,
Fort St. George, Chennai-600 009.
2. The District Collector,
Salem District, Salem.
3. The Director
Department of Geology and Mining,
Chennai.

..Respondents



W.P No.36570 of 2024

M/s.Sri Ponguru Magnesite Mines,
Rep. by its Proprietor S.Sundararajan
5/22 A, Periyakollapatti,
Kannankurichi Post,
Salem-636 008.

..Petitioner

Vs

1.State of Tamil Nadu
Rep. by its Secretary to Government,
Natural Resources Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The District Collector,
Salem District.

3.The Commissioner of Geology and Mining
Department of Geology and Mining,
SIDCO Industrial Estate
Guindy, Chennai.

..Respondents

PRAYER in W.P No.20722 of 2024: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned demand notice dated 23.09.2019 in Na.Ka. No.30/2013 Mines-A of the 2nd respondent herein and to quash the same.

PRAYER in W.P No.36570 of 2024: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order of the 2nd respondent dated 25.11.2024 in Na.Ka. No.30/2013 Minerals-A and to quash the same.



In both WPs

For Petitioner(s): Mrs.A.L.Gandhimathi
Senior Counsel
for Mr.A.Saravanan

For Respondents: Mr.Stalin Abimanyu
Additional Government Pleader

COMMON ORDER

These two writ petitions have been filed challenging the impugned orders passed by the second respondent dated 23.09.2019 and 25.11.2024 and seeking to quash the same.

2.The case of the petitioner is that the petitioner's father M.Subramanian has obtained a lease for mining manganite in the year 1963. Thereafter, the lease was periodically extended upto 2030, and it was granted for poromboke lands. The petitioner had been regularly remitting surface rent, royalty, and seigniorage fees as required under law. It is further submitted that the respondent authorities tried to assess annual compensation amount without adhering to Rule 72 of the Mineral Concession Rules. Aggrieved by the same, the petitioner made a detailed representation before the respondents, however, no orders were passed. Consequently, the petitioner approached this Court by filing W.P No.33474 of 2012 before this Court and this Court, by order dated



14.12.2012, directed the respondents to consider the petitioners' representation.

The second respondent nevertheless fixed the compensation without adhering to legal procedures. Aggrieved thereby, the petitioner filed another W.P No.2364 of 2013 which was also decided in favour of the petitioner, Without considering the representations, the directions of this Court, or the applicable rules and regulations, the second respondent assessed the annual compensation and issued the demand notice to the petitioner for the period from 1963 to 1997 and 2013 to 2020. Further, the second respondent passed the impugned orders dated 23.09.2019 and 25.11.2014 assessing the annual compensation amount without issuing any prior notice or affording an opportunity of hearing, relying on outdated G.Os and erroneous interpretations of MCR provisions. Aggrieved by the said orders, the present writ petitions have been filed.

2.However, the learned Senior Counsel appearing for the petitioner would submit that the issue involved in the present writ petitions has already been considered and decided by the Hon'ble Division Bench of this Court in W.A No.1228 of 2023 etc., batch cases, by judgment dated 10.09.2025. Accordingly, he prayed that these writ petitions may be allowed. .



3. The learned Additional Government Pleader appearing for the respondents fairly submitted that the issue involved in the present writ petitions is already covered by the aforesaid judgment of the Hon'ble Division Bench of this Court.

4. The Hon'ble Division Bench of this Court, in W.A No.1228 of 2023, etc., batch cases, held as follows:

73. The above notice is incorrect for so many reasons:

(i) It seeks to raise a demand in respect of a period of close to 17 years. Even if there were no limitation provided for raising of a demand, it is necessary that some reasonable time frame be adhered to when a demand is raised. This is a settled position of law which has been given a go-by in the present cases.

(ii) The basis of the demand is guideline value of adjacent patta lands, which is contrary to the stipulation under Rules 72(2) and 72(3).

(iii) The classification of the lands does not appear to have taken note of the requirements under Rule 72(2) and 72(3).



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(iv) The demand comes under the head 'estimated amount from 01.04.1997 to 31.03.2014'. It baffles the Court as to how a statutory demand, which is what the notice purports to raise, can be raised on an estimated basis.

(v) No opportunity has been granted to the noticees calling for their response or for any particulars prior to the issuance of these demands.

5. In view of the above judgment and following the same, these two writ petitions are disposed of, and the impugned orders passed by the District Collector, Salem dated 23.09.2019 and 25.11.2014 are set aside. No costs. Consequently, connected miscellaneous petitions are closed.

01-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1. The Secretary to Government,
Revenue Department, Secretariat
Fort St. George, Chennai-600 009.
2. The Secretary to Government,
Natural Resources Department,
Secretariat, Fort St. George,
Chennai-600 009.
3. The District Collector,
Salem District,
Salem.
4. The Director
Department of Geology and Mining,
Chennai.
5. The Commissioner of Geology and Mining
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M.DHANDAPANI, J.

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