

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).12343/2011

(From the judgement and order dated 21/12/2010 in WA No.2556/2010 of The HIGH COURT OF MADRAS)

TAMIL NADU SMALL MINE OWNERS FED.

Petitioner(s)

VERSUS

STATE OF TN AND ANR.

Respondent(s)

(With appln(s) for directions and with prayer for interim relief and office report)

WITH SLP(C) NO. 29504 of 2011

(With appln. for permission to file SLP and office report)

SLP(C) NO. 29505 of 2011

(With appl. for permission to file SLP and permission to place addl. documents on record and office report)

Date: 07/10/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA

HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Petitioner(s) Mr. Balasubramaniam, Adv.
Ms. V. Mohana, Adv.

SLP 29504, 29505 Mr. K.K. Mani, Adv.
Mr. Abhishek Krishna, Adv.

For Respondent(s) Mr. R. Rakesh Sharma, Adv. for
Mr. B.Balaji, Adv.

UPON hearing counsel the Court made the following
O R D E R

S.L.P. (C) No. 12343 of 2011:

A letter has been circulated by the advocate-on-record for the respondent - State of Tamil Nadu praying for time on the ground that the counsel has gone to attend the family function at Coimbatore. 2. The prayer for adjournment is opposed by the learned counsel for the petitioner.

3. Having regard to the order that was passed by this Court on 9.9.2013, we find no justification to accede to the request of adjournment made by the counsel for the respondents. The request is overruled.

4. On 9.9.2013, the following order came to be passed by this Court:

"On 2.1.2013, we directed the Government of Tamil Nadu to take a decision within four weeks on the communication sent by the Commissioner of Geology and Mining, Guindy dated 20.7.2012 accepting the request of the President of the present petitioner to lift the Government communication (letter No.

M2/121), Industries Department dated 5.2.1988 to develop the small mining industries.

No decision was taken by the Government of Tamil Nadu till the matter was again listed before the Court on 19.8.2013. On that date, Mr. Subramonium Prasad, learned Additional Advocate General for the State of Tamil Nadu prayed for time to seek instructions in light of the order dated 2.1.2013.

Mr. Subramonium Prasad, learned Additional Advocate General prays for some more time today.

More than 8 months have passed since the order was passed by this Court on 2.1.2013. We adjourn the matter for two weeks by way of last chance to enable the Government of Tamil Nadu to take a final decision in respect of the communication of July 20, 2012 whereby the Commissioner accepted the petitioner's request to lift the Government communication dated 5.2.1988 to develop the small mining industries. We observe that if within two weeks from today, no formal decision is taken by the Government of Tamil Nadu, it will be assumed that the State Government has accepted the Commissioner's communication dated July 20, 2012 sent to the petitioner to lift the communication dated 5.2.1988 to develop the small mining industries. List the matter on 7.10.2013."

5. Till now, no final decision has been taken by the Government of Tamil Nadu in respect of the communication sent by the Commissioner of Geology and Mining, Guindy dated 20.7.2012 whereby the Commissioner accepted the petitioner's request to lift the government communication dated 5.2.1988 to develop the small mining industries.

6. As a matter of fact, since the last order was passed on 9.9.2013, four weeks have passed although on 9.9.2013, two weeks' time was given to the Government of Tamil Nadu.

7. Having regard to the above, we assume that the Government of Tamil Nadu has accepted the Commissioner's communication dated 20.7.2012 sent to the petitioner to lift the government communication dated 5.2.1988 to develop the small mining industries.

8. Special leave petition is disposed of as above.

S.L.P. (C) Nos. 29504 of 2011 and 29505 of 2011:

In view of the order passed by us today in S.L.P. (C) No. 12343 of 2011, no separate order needs to be passed in these special leave petitions and, the order passed in S.L.P. (C) No. 12343 of 2011 will govern these special leave petitions as well.

|(Pardeep Kumar)
|Court Master

|(Renu Diwan)
|Court Master

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