

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 09.03.2015

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.1693 of 2015

N.Kanakaraj

... Petitioner

Vs.

1.The Commissioner
Geology and Mines
Guindy, Chennai-600 032

2.Karunanidhi

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus directing the 1st respondent to dispose of the second appeal filed by the 2nd respondent against the order passed by the District Collector, Sivagangai vide his proceedings Na.Ka/M2/421/2012 dated 20.05.2013.

For Petitioners : Mr.R.Thamaraiselvan

For Respondent : Mr.T.N.Rajagopalan, Spl.G.P

ORDER

The petitioner has come forward with this writ petition seeking a direction to the 1st respondent to dispose of the second appeal filed by the 2nd respondent against the order passed by the District Collector, Sivangagai vide his proceedings Na.Ka/M2/421/2012 dated 20.05.2013.

2. The case of the petitioner is that the 2nd respondent during the year 2012 being the Panchayat president excavated sand and involved in illegal sand quarrying. In this regard petitioner lodged a compliant before the District Collector, Sivangangai District to take appropriate action against the 2nd respondent. Since there was no response the petitioner filed W.P.No.4149 of 2012 before the Madurai Bench and obtained an order. Accordingly, the District Adi-Dravidar Welfare officer cum Revenue Divisional Officer, Sivangangai after conducting due enquiry passed an order directing the 2nd respondent to pay fine of Rs.1,56,000/- for illegal sand quarry. 2nd respondent preferred an appeal before the District Collector, Sivangangai which was rejected and thereafter

the 2nd respondent preferred second appeal dated 12.06.2013 before the first respondent challenging the order of the District Collector, Sivagangai vide Na.Ka/M2/421/2012 dated 20.05.2013. Petitioner sent representations dated 29.05.2014, 28.07.2014 requesting the Information Officer to furnish the information as to the actions taken on the second appeal filed by the 2nd respondent did not receive any response and hence the petitioner is before this court by way of this writ petition.

3. Learned Special Government Pleader appearing for the 1st respondent submitted a written instruction seeking further time to dispose of the appeal filed before him.

4. Considering the limited scope of the matter, this court direct the 1st respondent to dispose of the second appeal filed by the second respondent before it after affording an opportunity of hearing to the petitioner as well as the 2nd respondent within a period of one month from the date of receipt of a copy of this order.

5. Writ petition is disposed of with the above direction. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kpr

To

The Commissioner
Geology and Mines
Guindy, Chennai-600 032

+1cc to M/s.R.Thamarai Selvan, Advocate, S.R.No.13148
+1cc to the Government Pleader, S.R.No.13618

W.P. No.1693 of 2015

MP(CO)
CA(07/04/2015)