

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2015

CORAM:

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P.No.31653 of 2015

K.Palanivelu

...Petitioner

Vs.

1. The Commissioner,
Department of Geology and Mines,
Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai - 32.

2. The District Collector,
O/o.The District Collector,
Tiruvannamalai District,
Tiruvannamalai - 606 601.

3. The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Tiruvannamalai - 606 601.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Mandamus directing the first respondent to dispose of the Second Appeal preferred by the petitioner dated 14.05.2015 under Section 36 C (2) of Tamil Nadu Minor Mineral Concession Rules, 1959 within the stipulated time.

For Petitioner : Mr.S.Kumaradevan

For Respondents : Mr.T.N.Rajagopalan,
Spl. Govt. Pleader

ORDER

Petitioner has filed the present writ petition, seeking for the issuance of a mandamus to direct the first respondent to dispose of the Second Appeal dated 14.05.2015.

2.The petitioner obtained a lease for taking 2000 lorry load gravel/sand from Samudiram Lake area, Tiruvannamalai in S.No.3/1C1 and he has been permitted to take gravel/sand by proceedings of the first respondent dated 23.08.2013. While so, when the petitioner went to the spot on 26.08.2013, he and his men were threatened by the local public. The petitioner informed the same to the PWD officials and on inspection, it came to light that one V.Venkatesan took the sand from the lake and hence, the Executive Engineer, PWD, Water Resources Organisation sent a letter dated 17.10.2013 to the second respondent. Thereafter, the second respondent called for explanation on 10.01.2014 from the petitioner and after receipt of explanation, the second respondent cancelled the lease permit. The petitioner was directed to appear before the third respondent and the petitioner also submitted a detailed representation. Subsequently, the third respondent, by order dated 30.07.2014, imposed a fine of Rs.1,22,99,883/- and fixed the liability of the petitioner at Rs.61,49,941.50, against which, the petitioner preferred a first appeal before the second respondent and by order dated 15.04.2015, the same was rejected. Against which, the petitioner preferred the second appeal on 14.05.2015. Since no orders have been passed on the second appeal, the petitioner is before this Court.

3.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

4.Considering the limited scope of the prayer sought for by the petitioner, the first respondent is directed to consider the second appeal dated 14.05.2015 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, after affording due opportunity of hearing to the petitioner.

5.With the above direction, the writ petition is disposed of. No costs.

-Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

To

1. The Commissioner,
Department of Geology and Mines,
Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai - 32.

2. The District Collector,
O/o.The District Collector,
Tiruvannamalai District,
Tiruvannamalai - 606 601.

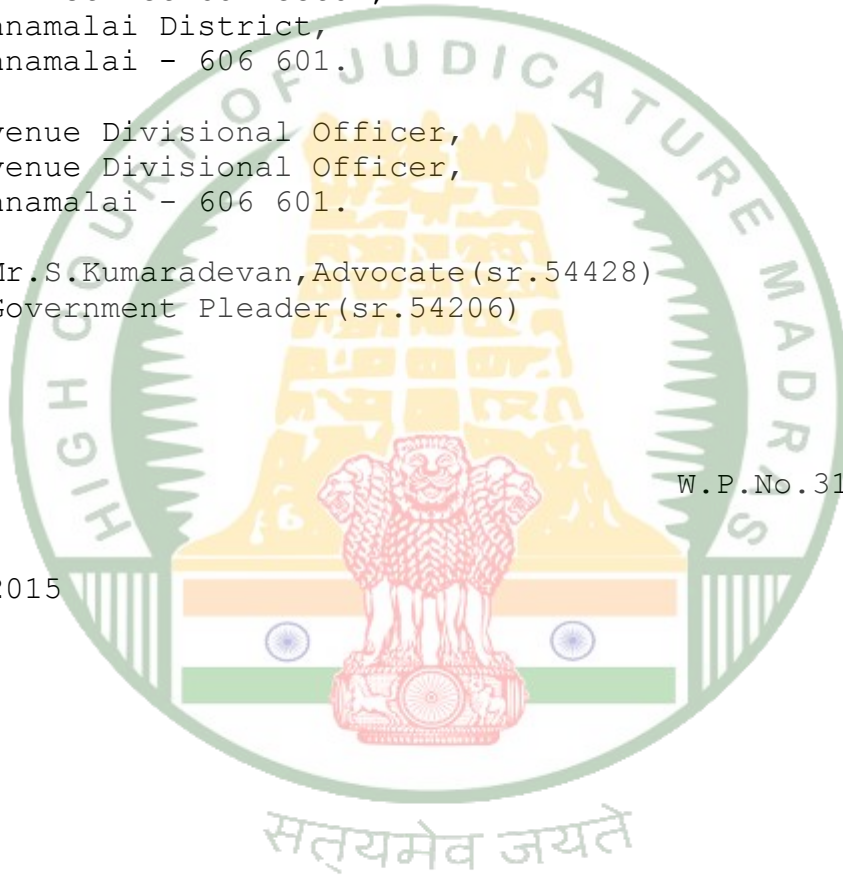
3. The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Tiruvannamalai - 606 601.

+1 cc to Mr.S.Kumaradevan,Advocate(sr.54428)

+1 cc to Government Pleader(sr.54206)

GGK(co)
cp 19/10/2015

W.P.No.31653 of 2015



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