

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2015

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.31756 of 2015

P.Shanmugam

.. Petitioner

Vs

1. The Director of Geology and Mining,
Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai - 32.

2. The District Collector,
Namakkal.

3. The Assistant Director (Geology and
Mining), Collectorate Building,
Namakkal.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus to direct the first respondent to consider the appeal dated 18.03.2014 filed by the petitioner herein against the order passed by the second respondent herein dated 21.02.2014 in Na.Ka.274/Kanimam/2004 and pass appropriate orders on the same within a stipulated time.

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

O R D E R

By consent, the main writ petition is taken up for disposal.

2. Petitioner has filed this writ petition seeking for a direction to the first respondent to consider the appeal dated 18.03.2014, filed against the order passed by the second respondent dated 21.02.2014 and pass appropriate orders on the same.

3.The petitioner is the owner of the patta land bearing Survey No.224/2 at Devenampalayam Village at Namakkal District and the representation submitted by him on 10.07.2006, seeking

permission for stone quarrying in the said land, was rejected by the second respondent, by order dated 07.01.2010. The grievance of the petitioner is that based on the report of the third respondent, who has not even inspected the land, the second respondent rejected his claim. Therefore, the petitioner has filed a writ petition in W.P.No.1164 of 2010 before this Court and by order dated 26.08.2011, this Court directed the petitioner to file an appeal before the first respondent.

3.Pursuant to the direction of this Court, the petitioner preferred an appeal before the first respondent. By order dated 06.08.2012, the first respondent set aside the order of the second respondent dated 07.01.2010 and remanded the matter for fresh consideration. Thereafter, the second respondent directed the third respondent to conduct spot inspection and submit a report. Based on the report of the third respondent, the second respondent rejected the claim of the petitioner by proceedings dated 21.02.2014 and aggrieved by the same, the petitioner preferred an appeal before the first respondent and inspite of repeated requests by the petitioner, the said appeal has not been considered by the first respondent. Hence the present writ petition.

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

5.Considering the limited prayer sought for by the petitioner, without going into the merits of the case, the first respondent is directed to consider the appeal dated 18.03.2014 and pass appropriate orders on merits and in accordance with law, if not already disposed of, within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

mmi

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Director of Geology and Mining,
Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai - 32.
2. The District Collector,
Namakkal.

3. The Assistant Director (Geology and Mining), Collectorate Building, Namakkal.

+ 1 cc to Mr.R.Nalliyappan, Advocate SR 54586

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