



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :07.10.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P(MD).No.18083 of 2015

Ravijeyasingh

...Petitioner

Vs.

1.The Commissioner of Geology in Mining,
Department of Geology and Mining,
Tiruvika Industrial Estates,
Guindy.

2.The District Collector,
Kanyakumari District,
Kanyakumari.

...Respondents

This Writ Petition has been filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the first respondent to pass orders on the statutory appeal preferred by the petitioner, dated 14.09.2013 within a period that may be stipulated by this Court.

For petitioner	: Mr.V.Georgeraja
For Respondents	: Mr.K.Guru, Additional Government Pleader

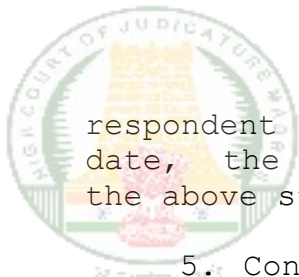
ORDER

The Writ Petition has been filed praying for a Writ of Mandamus directing the first respondent to pass orders on the statutory appeal preferred by the petitioner, dated 14.09.2013 within a stipulated time.

2. Mr.K.Guru, learned Additional Government Pleader takes notice for the respondents.

3. By consent, the Writ Petition itself is taken up for final disposal.

4. In the affidavit it has been averred that the petitioner is a resident of Tittuvilai village, Boothapandi Post, Kanyakumari District and he is engaged in the business of storage and transportation of sand by obtaining necessary licence/lease from the respondents. The petitioner is owning a land measuring to an extent of 0.02.0 hectares in Survey No.46/15 A2, in Eshanthimangalam, Thoovalai Taluk, Kanyakumari District. The petitioner intended to establish a stock yard in the said place. Hence, for the said purpose, the petitioner submitted an application before the second respondent on 09.05.2012 with all necessary documents and paid requisite fee. But the same was rejected by the second respondent by his order, dated 29.08.2013 stating that the said stockyard is located within 500 metres from P.W.D tank. Aggrieved by the said order, the petitioner has preferred an appeal to the first



respondent on 14.09.2013. Since the appeal was not disposed of till date, the petitioner has come forward with the present Writ Petition for the above stated relief.

5. Considering the submissions made by the learned counsel for the petitioner, without going into the merits of the averments made in the Writ Petition, this Court directs the first respondent to dispose of the appeal filed by the petitioner, dated 14.09.2013, on merits and in accordance with law by affording an opportunity of hearing to all the necessary parties, within a period of six weeks from the date of receipt of a copy of this order. It is made clear, this Court has not expressed any opinion on the merits of the case and it is for the first respondent to consider the same purely on merits.

With the above direction, the Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The Commissioner of Geology in Mining,
Department of Geology and Mining,
Tiruvika Industrial Estates,
Guindy.

2.The District Collector,
Kanyakumari District,
Kanyakumari.

+2cc to Mr.Georgeraja, Advocate SR.No.59361& 58994

+1cc to The Special Government Pleader, Madurai. SR.No.59340

W.P (MD) .No.18083 of 2015
07.10.2015

pm

NS/SKS-RR/16.10.2015 : 2P/6C