

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2016

C O R A M

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

Writ Petition No.16621 of 2016
and WMP.Nos.14357, 14358 and 14380 of 2016

Dr.C.R.Tamilvanan
Prop.CRT Granite Park
5/157, Teachers Colony, NGO Colony
Dindigul Town, Dindigul District

...Petitioner

-Vs-

- 1.The Principal Secretary to
Government, Industries Department
Fort St.George,
Madras-9
- 2.The Commissioner of Geology & Mining
Guindy, Madras-32
- 3.The District Collector
Krishnagiri
- 4.P.K.Selvaraj

....Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records in Pro.No.2028/MMS/2016 dated 12.10.2015 on the file of the second respondent and quash the same, as unconstitutional ultra vires against the rule of law and against the Principles of natural justice as well as and against the provisions of Tamil Nadu Minor Mineral Concession Rules, 1959, so far as the conclusion of the 2nd respondent in the impugned proceedings dated 12.10.2015 rejecting the representation of the petitioner dated 01.09.2014 on the ground that the agreement dated 27.09.2010 and 07.07.2011 between the petitioner and the 4th respondent is 'purely a business obligation and the dispute between them is a civil matter and the said agreements will not bind the Government in any manner and consequently direct the respondents 1 to 3 to consider the representation of the petitioner dated 10.03.2016, so as to prevent the 4th respondent and his men from removing unauthorisedly the granite blocks cut and kept by the petitioner in the quarry land in S.Nos.411/1. 420/1 and 425/1 of Baleguli Village, Pochampalli Taluk, Dharmapuri District (now in Krishnagiri District) pending action by the 3rd respondent as per the impugned proceedings.

For petitioner : Mr.Shanmugham, for
M/s.Shanmugha Associates

For respondents : Mr.M.S.Ramesh, AGP
1 to 3

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus to call for the records in Pro.No.2028/MMS/2016 dated 12.10.2015 on the file of the second respondent and quash the same and consequently direct the respondents 1 to 3 to consider the representation of the petitioner dated 10.03.2016, so as to prevent the 4th respondent and his men from removing unauthorisedly the granite blocks cut and kept by the petitioner in the quarry land in S.Nos.411/1. 420/1 and 425/1 of Baleguli Village, Pochampalli Taluk, Dharmapuri District.

2. When the matter is taken up for hearing, Mr.Shanmugham, learned counsel appearing for the petitioner submitted that without going into the merits of the order passed by the respondents, it would be suffice to direct the 1st respondent to dispose of the appeal filed by the petitioner.

3. Mr.M.S.Ramesh, learned Additional Government Pleader, taking notice for the respondents submitted that the first respondent may be directed to dispose of the appeal in a stipulated time.

4. In view of the submissions made by learned counsel on either side, without going into the merits of the case, I direct the 1st respondent to dispose of the appeal filed by the petitioner on merits and in accordance with law within a period of 8 weeks from the date of receipt of a copy of this order.

5. With this observation, the Writ Petition is disposed of. No costs. Consequently, connected MPs are closed.

WEB COPY
Sd/-
Asst.Registrar (CS VI)
/true copy/

Sub Asst. Registrar

nvsri

To

1.The Principal Secretary to
Government, Industries Department
Fort St.George
Madras-9

2.The Commissioner of Geology & Mining
Guindy, Madras-32

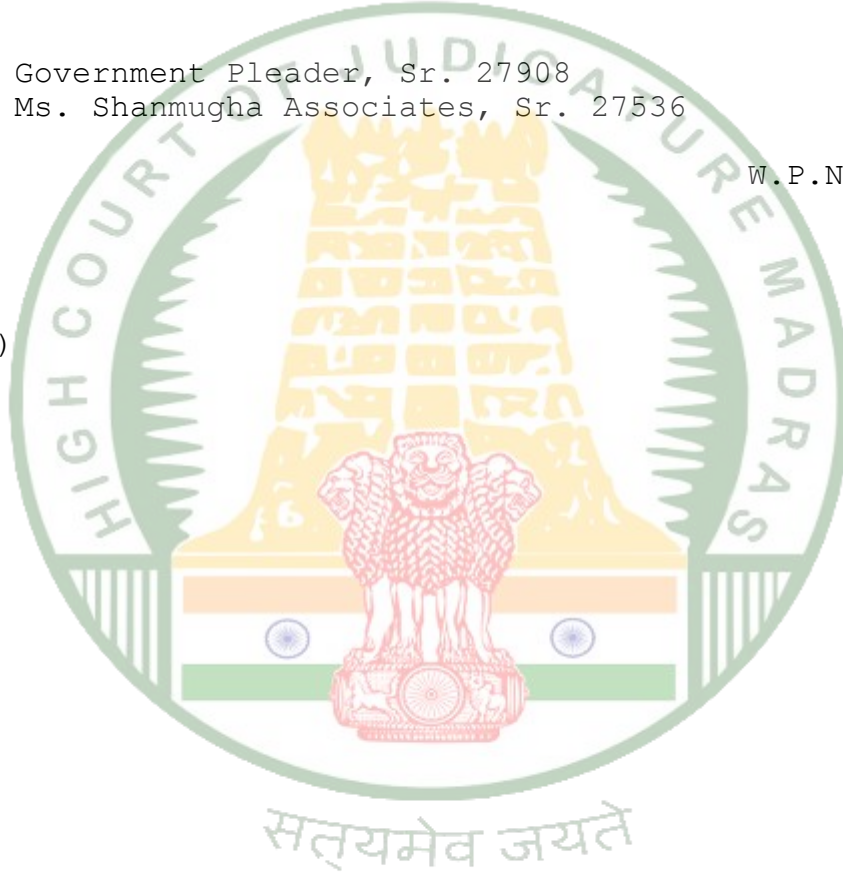
3.The District Collector
Krishnagiri

1 cc to Government Pleader, Sr. 27908

1 cc to Ms. Shanmugha Associates, Sr. 27536

W.P.No.16621 of 2016

LRS (CO)
kk 3/5



WEB COPY