

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2016

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.40954 of 2015

and

M.P.No.1 of 2015

M.Giri

... Petitioner

Vs

1. The District Collector,
Vellore, Vellore District.

2. The Assistant Director for
Mines and Minerals,
Vellore, Vellore District.

3. The Director of Mines and Minerals,
Guindy, Chennai.

4. The Tahsildar,
Katpadi, Vellore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the file relating to impugned order Na.Ka.No.101/2007 (Mines and Minerals) dated 05.11.2015 from the file of the first respondent and quash the same.

For Petitioner

: Mr.R.Margabandhu

For Respondents

: Mr.T.N.Rajagopalan, SGP

सत्यमेव जयते
O R D E R

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

2.The petitioner has filed the present writ petition, challenging the order dated 05.11.2015 passed by the first respondent, thereby demanding a sum of Rs.1,05,11,270/- payable by the petitioner under the revenue recovery proceedings.

3.According to the petitioner, he was granted lease for quarrying stones for a period of 10 years till 14.07.2013.

Accordingly, he quarried stones on getting 30 transit permits every month at the cost of Rs.4,500/-. The second respondent used to inspect the stone quarry every month. Be that as it may, on the basis of an anonymous complaint, the third respondent sent a report to the first respondent stating that the petitioner committed certain violations. Pursuant to the same, a show cause notice dated 27.06.2007 was issued to the petitioner on the ground that the petitioner illegally quarried without permit in Arumbakkam Government poromboke land in S.No.427/1 and lifted 5822 sq.m or 1028.5 lorry loads of stones. The petitioner duly submitted his explanation. However, without considering the same and without conducting any enquiry, the first respondent by order dated 20.08.2007 cancelled the license granted to the petitioner. In the mean while, the petitioner filed WP.No.24082/2007 for a mandamus, forbearing the respondents from interfering and obstructing the petitioner to carry on stone quarry operation. The said writ petition was disposed of by order dated 17.07.2007, thereby directing the respondents 1 and 2 therein to conduct enquiry and pass orders in accordance with law within two weeks on the date of completion of enquiry. Accordingly, enquiry was conducted about three years back, but no order was passed. Now the first respondent passed the impugned order dated 05.11.2015 for recovery of Rs.1,05,11,270/-. Hence, the petitioner is before this Court.

4.Learned counsel for the petitioner during the course of argument submitted that challenging the order of cancellation of license, the petitioner filed an appeal before the Appellate Authority on 30.10.2007 and the same is yet to be disposed of. Further, learned counsel for the petitioner submitted that it would suffice, if a direction is given to the Appellate Authority to dispose of the said appeal within the time frame fixed by this Court.

5.Heard Mr.T.N.Rajagopalan, learned Special Government Pleader, who took notice for the respondents.

6.In view of the submission made by the learned counsel for the petitioner and the learned Special Government Pleader, this Court finds it appropriate that the petitioner should only file a petition before the Appellate Authority for staying any proceedings. On filing of such petition, the Appellate Authority is directed to take up and dispose of the same and thereafter consider the appeal filed by the petitioner and pass appropriate orders as expeditiously as possible, on merits and in accordance with law, after affording due opportunity of personal hearing to the petitioner.

7.The writ petition is disposed of accordingly. No costs.
Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Vellore,
Vellore District.
2. The Assistant Director for Mines and Minerals,
Vellore,
Vellore District.
3. The Director of Mines and Minerals,
Guindy,
Chennai.
4. The Tahsildar,
Katpadi,
Vellore District.

+1cc to Mr.R.Margabandhu, Advocate, S.R.No.410
+1cc to the Government Pleader, S.R.No.974

सत्यमेव जयते

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skv (CO)
srg (02/02/2016)

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