

In the High Court of Judicature at Madras

Dated : 25.7.2016

Coram :

The Honourable Mr. Justice T.S.SIVAGNANAM

Writ Petition No.25782 of 2016

N.K.Shashidhar

...Petitioner

Vs

The Government of Tamil Nadu, rep.
by the Additional Chief Secretary to
Government, Industries Department,
Fort.St.George, Chennai-9.

...Respondent

PETITION under Article 226 of The Constitution of India
praying for the issuance of a Writ of Mandamus directing the
respondent to hear and dispose of the second appeal filed on
9.7.2014 against the order of the Commissioner of the Geology
and Mining passed in Rc.No.7200/ MM5/2012 dated 15.4.2014 on
merits within the time frame fixed by this Court.

For Petitioner : Mr.K.Muthukumarasamy

For Respondent : Mr.R.Lakshmi Narayanan, AGP

ORDER

Mr.R.Lakshmi Narayanan, learned Additional Government
Pleader accepts notice for the respondent. Heard both. By
consent, the writ petition itself is taken up for final disposal.

2. The petitioner preferred a second appeal to the
respondent herein against the order passed by the Commissioner
of Geology and Mining dated 15.4.2014. By the order dated
15.4.2014, the Commissioner of Geology and Mining set aside the
order passed by the District Collector, Krishnagiri dated
6.7.2012 and remitted the matter back to the District Collector
for fresh consideration after issuing a show cause notice by
enclosing copies of field inspection reports.

3. It is seen that the appeal petition has been received by
the office of the respondent on 9.7.2014 itself as could be seen

from the acknowledgement/receipt. It is not known as to why the said appeal petition is still pending before the respondent without being considered on merits. The petitioner also sent two legal notices on 20.2.2015 and 4.7.2016. In spite of the same, nothing was moved in the office of the respondent. Therefore, the petitioner is before this Court.

4. Since the second appeal is a statutory remedy, it should have been disposed of within a reasonable time and keeping the appeal pending from 2014 is not tenable.

5. In the light of the above, the writ petition is disposed of with a direction to the respondent to consider and dispose of the second appeal filed by the petitioner dated 9.7.2014 on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, within a period of three months from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To
The Additional Chief Secretary to Government of Tamil Nadu,
Industries Department, Fort.St.George, Chennai-9.

1 cc to Mr.V.Sanjeevi, Advocate, sr.41912
1 cc to Government Pleader, sr.42129

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ctk co
kra 16.08.2016

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