

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 27.07.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.26114 of 2016 &

W.M.P.No.22380 of 2016

Muniraj. [PETITIONER]

Vs

- 1.The District Collector
Office of the District Collector
Krishnagiri, Krishnagiri District.
- 2.The Sub Collector
Office of the Sub Collector,
Hosur, Krishnagiri District.
- 3.The Tahsildar
Hosur Taluk
Krishnagiri District.
- 4.Village Administrative Officer
Belathur Village
Hosur Taluk, Krishnagiri District.

[RESPONDENTS]

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus to direct the first respondent to consider the petitioner's appeal dated 09.06.2016.

For Petitioner : Mr.V.Raja Mohan

For Respondents : Mr.S.Diwakar
Spl.Govt.Pleader

O R D E R

Heard Mr.V.Raja Mohan, learned Counsel appearing for the petitioner and Mr.S.Diwakar, learned Special Government Pleader accepting notice on behalf of the respondents and with the consent of learned counsel appearing on either side, the writ petition itself is taken up for final disposal.

2.The petitioner has filed this Writ Petition, seeking for a direction upon the first respondent to consider his Appeal Petition dated 09.06.2016, filed against the order

passed by the second respondent dated 15.09.2015, imposing penalty on him for illicit mining of sand.

3.The petitioner would state that the penalty has been imposed, without considering the factual details and the petitioner had not done any illegal mining and that he has all documents in his custody, and the second respondent without considering the same, in an arbitrary manner has passed the order of penalty.

4.As rightly pointed by the learned Special Government Pleader, the order passed by the second respondent is dated 15.09.2015 and in terms of Rule 36-C of the Tamil Nadu Mines Minerals Concession Rules 1959, an Appeal can be preferred within a period of thirty days from the date of receipt of a copy of this order against which Appeal is preferred. However, in the instant case, the petitioner has preferred an Appeal only on 09.06.2014.

5.The learned counsel for the petitioner in reply to the said submission, stated that along with the Appeal Petition, the petitioner has filed an Application for condonation of delay. It is seen that the Appeal Petition along with Condone delay Petition has been received by the Office of the first respondent on 13.06.2016, as could be seen from the postal acknowledgment card.

6.In the light of the above, there will be a direction to the first respondent to consider the petitioner's Application for condonation of delay in filing the appeal and if the petitioner has shown sufficient cause, then the first respondent shall adopt a liberal approach and condone the delay and take up the Appeal on merits and dispose of the same, within a period of eight weeks from the date of entertaining the Appeal.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The District Collector
Office of the District Collector
Krishnagiri, Krishnagiri District.

2.The Sub Collector
Office of the Sub Collector,
Hosur, Krishnagiri District.

3.The Tahsildar
Hosur Taluk
Krishnagiri District.

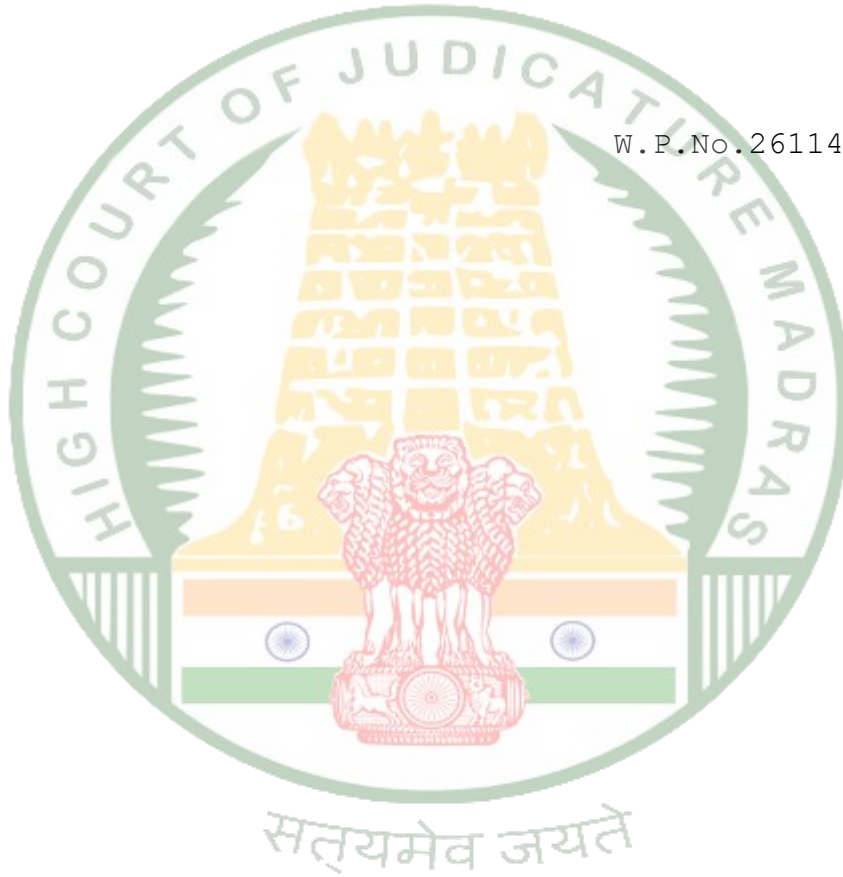
4.Village Administrative Officer
Belathur Village
Hosur Taluk, Krishnagiri District.

+1 cc to M/s.N.Mohideen Basha, advocate,sr.42446

+1 cc to Govt.pleader,sr.42778

ppa (co)
krd 22/8

W.P.No.26114 of 2016



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