



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 05.08.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P (MD) No.14088 of 2016

V.Palanichamy

..Petitioner

Vs

1.The District Collector,
District Collector Campus,
Ramanathapuram District.

2.The Sub-Collector,
Office of the Sub-Collector,
Paramakudi,
Ramanathapuram District

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent to dispose of the appeal filed by the Petitioner, dated 10.3.2015 against the order of the second respondent in Na.Ka.Pi.No.2/9144/2012, dated 4.2.2015.

For Petitioner :M/s.D.Senthil

For Respondents :Mr.J.Gunaseelan Muthiah
Govt.Advocate

ORDER

Heard both sides.

2.By consent of both sides, the main Writ Petition itself is taken up for final disposal.

3.No counter is filed on behalf of the Respondents.

4.According to the Petitioner, as against the order of the Second Respondent, dated 4.12.2015, he preferred an appeal before the First Respondent under Section 36(c) of the Tamil Nadu Mines and Minerals Act, 1959. In fact, the said appeal was projected on 10.3.2015, on various grounds. Till date, the said appeal is pending and the same is not yet disposed of.



5.The grievance of the Petitioner is that he was informed that the First Respondent/The District Collector, District Collector Campus, Ramanathapuram District had issued an internal communication to the Second Respondent to initiate proceedings under the Revenue Recovery Act for recovery of the amount of Rs.63.050/- as per the proceedings in Na.Ka.No.G4/62194/2015, dated 31.12.2015 against him. Pending disposal of his appeal, the First Respondent had issued the communication in question to the Second Respondent to initiate proceedings under the Revenue Recovery Act. In this regard, the Petitioner had submitted a representation before the First Respondent on 27.7.2016 and requested the First Respondent to dispose of the appeal dated, 10.3.2015 filed against the order of the Second Respondent.

6.Considering the fact that the Petitioner's appeal, dated 10.3.2015 is pending before the First Respondent/The District Collector, District Collector Campus, Ramanathapuram District and in-spite of the reminder, dated 27.7.2016 addressed to the First Respondent, till date the said appeal is pending without any significant progress or disposal, at this stage, this Court based on equity, good conscience and even as a matter of prudence, directs the First Respondent to look into the appeal of the Petitioner, dated 10.3.2015 within a period of one week from the date of receipt of a copy of this order and thereafter, to dispose of the same by passing a reasoned speaking order, on merits(of course after providing necessary opportunity to the Petitioner and others concerned, if any, by adhering to the principles of natural justice in true letter and spirit) within a period of four weeks thereafter. The Petitioner is directed to lend his assistance and co-operation in this regard, to the First Respondent, in disposing of his appeal, dated 10.3.2015, within the time specified by this Court.

7.With the aforesaid observation(s) and direction(s), the Writ Petition stands disposed of. No costs.

Sd/-

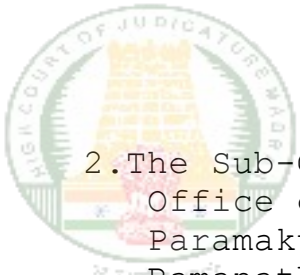
Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
District Collector Campus,
Ramanathapuram District.



2.The Sub-Collector,
Office of the Sub-Collector,
Paramakudi,
Ramanathapuram District

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+1cc to Mr.D.Senthil Advocate SR.No.42226/16
+1cc to special Government Pleader SR.No.42603/16

VSN

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W.P (MD) No.14088 of 2016

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