



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2016

CORAM:

THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN

Writ Petition (MD) No.17549 of 2016

and

W.M.P. (MD).No.12675 of 2016

R.Arumugam

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Assistant Director of
Geology and Mining,
Tirunelveli.

3.The Commissioner of
Geology and Mining,
Guindy, Chennai-32.

(R-3 Impleaded vide court order dated 25.10.2016

in WMP(MD).14884/2016 by VBDJ)

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondent from in any way interfering with the petitioner's right to carry on the quarrying in his patta land till the expiry of the lease period upto 09.04.2017 measuring to an extent of 1.87.0 hectares in S.No.76/2.781/2, 3 & 4, Thazhiyuthu Village, Thirunelveli District.

For Petitioner

: Mr.K.R.Krishnan

For Respondents

: Mr.B.Pugalendhi,

Additional Advocate General

assisted by Mr.N.S.Karthikeyan

Additional Govt. Pleader

O R D E R

By consent of both sides, the writ petition itself is taken up for final disposal.

2.According to the petitioner, he was granted permission for carrying out quarrying operation for a period of five years from 10.04.2012 to 09.04.2017. Pending lease, a proceedings has been initiated by the Revenue Divisional Officer, Tirunelveli and the Revenue Divisional Officer, Tirunelveli passed an order imposing penalty for the alleged illegal quarry. Against which, an appeal was filed before the District



Collector, Tirunelveli and the said appeal was also dismissed by the District Collector, Tirunelveli. Against which, the petitioner preferred a second appeal before the Commissioner of Geology and Mining, on 12.07.2016. Pending appeal, the respondents are not permitting the petitioner to conduct quarrying operation. Hence, the present writ petition has been filed.

3. Even though the petitioner has sought for a larger relief, he is restricting the relief to the extent that the second appeal, pending before the Commissioner of Geology and Mining may be disposed of at an earlier stage.

4. The learned counsel appearing for the respondents submitted that any suitable direction may be issued to the third respondent/ Commissioner of Geology and Mining to dispose of the petitioner's second appeal, which is pending.

5. In the above circumstances, the third respondent/Commissioner of Geology and Mining, Guindy, Chennai is directed to consider the petitioner's second appeal, which is pending on his file and pass orders on merits within a period of four weeks from the date of receipt of a copy of this order, after giving opportunity to the petitioner.

6. Accordingly, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Assistant Director of
Geology and Mining,
Tirunelveli.
3. The Commissioner of
Geology and Mining,
Guindy, Chennai-32.

+1 cc to Mr.K.R.Krishnan, Advocate in SR No.63677

W.P (MD) No.17549 of 2016
25.10.2016