



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2016

CORAM :

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

Writ Petition (MD) No.4946 of 2016

WEB COPY

P.Ayub Khan

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Thirunelveli.

3.The Assistant Director,
Geology and Mines Department,
Thirunelveli District.

4.The Assistant Director,
Survey and Land Records,
Tirunelveli District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to enquire the matter regarding ROC. No.A5/3956/2015 dated 29.11.2015 in which the penalty was levied to the petitioner a sum of Rs.18,67,890/- (Eighteen lakhs sixty seven thousand eight hundred ninety rupees only) as seigniorage fee for excavated the mines in petitioner's quarry to set aside the same in accordance with by deposing petitioner appeal on 21.12.2015 U/s. 35(1) of the Tamil Nadu Mines Minerals concession Rules 1959 within the time stipulated by this Court.

For Petitioner : Mr.K.A.Thirumalaippan

For Respondents : Mr.S.Sadeskumar,
Additional Government Pleader.

ORDER

The petitioner has come up with the above writ petition seeking for the issue of a writ of mandamus, to direct the first respondent to enquire the matter regarding ROC.No.A5/3956/2015 dated 29.11.2015 in which the penalty was levied to the petitioner a sum of Rs.18,67,890/- (Eighteen lakhs sixty seven thousand eight hundred ninety rupees only) as seigniorage fee and to set aside the same by passing necessary orders on the petitioner's appeal dated 21.12.2015.

2.Heard the learned counsel for the petitioner. Mr.S.Sadeskumar, learned Additional Government Pleader takes notice for the respondents.

<https://hcservices.ecourts.gov.in/hcservices/>

3.According to the petitioner, the second respondent passed the impugned order without giving an opportunity of hearing to the



petitioner fixing seigniorage fee as Rs.18,67,890/-. Therefore, the petitioner filed an appeal dated 21.12.2015 before the respondents 2 and 3 which is still pending.

4.Considering the above stated facts and circumstances and without expressing any view on the claim made by the petitioner, the writ petition is disposed of directing the respondents 2 and 3 to consider the appeal filed by the petitioner on 21.12.2015 and pass orders on the same, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/
Assistant Registrar(Records)

/TRUE COPY/

Sub Assistant Registrar(C.S)
Madurai Bench of Madras High Court,
Madurai.

To

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Revenue Divisional Officer,
Thirunelveli.
- 3.The Assistant Director,
Geology and Mines Department,
Thirunelveli District.
- 4.The Assistant Director,
Survey and Land Records,
Tirunelveli District.

+1cc to M/S.K.A.Thirumalaiappan, Advocate in SR.No.14156

+1cc to Special Government Pleader in SR.No.13890

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11.03.2016

sms

PA/AN-MP/28.03.2016/2P/7C