

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 05.12.2017
CORAM
THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU
W.P.No.16943 of 2017
and
WMP.Nos.18399 to 18401 of 2017

M.R.Mani
son of Rakkiya Goundar

... Petitioner

versus

1. The District Collector
District Collectorate
Tirupur District.
2. The Sub Collector
Tirupur
Tirupur District.
3. The Assistant Director
Department of Geology and Mining
Tirupur District.
4. The Tahsildar
Uthukkuli Taluk Office
Uthukkuli, Tirupur District.
5. The Joint Chief Controller of Explosives
Ministry of Commerce and Industry
Petroleum and Explosives Safety Organisation (PESO)
Government of India
A & D Wing, Block 1 - 8, 2nd Floor, Shastri Bhavan
26, Haddows Road, Nungambakkam,
Chennai-600 006.
6. M.R.Viswanathan
Son of Rakkiya Gounder

...Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the entire records relating to the impugned order passed in Na.Ka.585/Kanimam/2013 dated 13.01.2016 on the file of 1st respondent and to quash the same.

For Petitioner : Mr.C.E.Pratap
For Respondents: Mr.P.Senthilvel,
Government Advocate for R1 to R4
Mr.T.V.Krishnamachari
Senior Panel Counsel, for R5
Mr.C.Prakasam for R6

O R D E R

The petitioner is aggrieved against the order passed by the first respondent - District Collector dated 13.01.2016, granting lease to quarry in favour of the sixth respondent in respect of subject matter quarry.

2. According to the petitioner, as contended in this writ petition, granting of such quarry lease in favour of the sixth respondent is in violation of Rules and against the interest of the public. Admittedly, as against the order passed by the first respondent, a statutory appeal lies before the Director of Geology & Mining, under Rule 36-C of the Tamil Nadu Minor Mineral Concession Rules, 1959. Therefore, the petitioner should have filed such appeal before the said statutory appellate authority, as the said official being the appellate authority can go into the facts and decide the dispute since he is also a fact finding authority. Without doing so, the petitioner has filed the present writ petition. Hence, this Court is not inclined to go into the merits and contentions raised by the respective parties in respect of the lease granted in favour of the sixth respondent, as it is for the petitioner to agitate all these contentions before the Appellate Authority.

3. Accordingly, this writ petition is disposed of, without expressing any view on the merits of the matter, only by granting liberty to the petitioner to file an appeal before the Appellate Authority within a period of two weeks from the date of receipt of a copy of this order. If any such appeal is filed, the Appellate Authority will consider the said appeal and decide the same on its own merits and in accordance with law, after hearing all the parties concerned. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mk

To

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A & D Wing, Block 1 - 8, 2nd Floor, Shastri Bhavan
26, Haddows Road, Nungambakkam,
Chennai-600 006.
- +1 cc to M/s.C.E.Pratap Advocate sr 86145
+1 cc to M/s.C.Prakasam Advocate sr 86251
+1 cc to M/s.T.V.Krishnamachari Advocate sr 85791
+1 cc to Govt Pleader sr 86885

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