

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2017

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The Honourable MR. JUSTICE M.DURAI SWAMY

W.P.Nos.17879 and 17880 of 2017

and

W.MP.Nos.19408 and 19409 of 2017

P.Balaji

... Petitioner in both Wps

Vs

The District Collector,
Thiruvellore District,
Thiruvellore.

... Respondent in both WPs

Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus calling for the records of the respondent in his proceeding in Na.Ka.No.425/2016/Mineral-2 dated 03.02.2017 and in Na.Ka.No.424/2016/Mineral-2 and 04.02.2017 respectively and quash the same and direct the respondent to release the seized lorry bearing Regn.Nos.AP 03 X 1359 and TN 23 AR 6579 respectively and the exportable black granite blocks as mentioned in the impugned orders to the petitioner.

For Petitioner : Mr.T.D.Panneerselvam

For Respondent : Mr.R.Rajeswaran

Special Government Pleader

COMMON ORDER

Mr.R.Rajeswaran, learned Special Government Pleader takes notice for the respondent. By consent, the main writ petitions are taken up for disposal at the admission stage itself.

2. The petitioner has filed the above writ petitions to issue a writ of certiorarified mandamus calling for the records of the respondent in his proceeding in Na.Ka.No.425/2016/Mineral-2 dated 03.02.2017 and in Na.Ka.No.424/2016/Mineral-2 and 04.02.2017 respectively and quash the same and to direct the respondent to release the seized lorries bearing Registration Nos.AP 03 X 1359 and TN 23 AR 6579 respectively and the exportable black granite blocks as mentioned in the impugned orders to him.

3. Mr.R.Rajeswaran, learned Special Government Pleader appearing for the respondent submitted that as against the orders passed by the respondent, the District Collector, the petitioner has got a remedy by way of appeal under Section 36 (C) (2) of the Tamil Nadu Minor Mineral Concession Rules, 1959 and therefore, the writ petitions are not maintainable, in view of the availability of the appeal remedy.

4. The learned counsel appearing for the petitioner submitted that liberty may be given to the petitioner to file appeals under Section 36(C)(2) of the Tamil Nadu Minor Mineral Concession Rules, 1959.

5. In view of the submissions made by the learned counsel on either side, the writ petitions are closed and liberty is given to the petitioner to challenge the impugned orders dated 03.02.2017 and 04.02.2017 passed by the respondent by way of an appeal under Section 36(C)(2) of the Tamil Nadu Minor Mineral Concession Rules, 1959. No costs. Connected miscellaneous petitions are also closed.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

The District Collector,
Thiruvellore District,
Thiruvellore.

+2 Ccs to Mr.T.D. Panneerselvam, Advocate sr 49231

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SP(17/07/2017)