

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 01.02.2017

CORAM:

THE HONOURABLE **MR.JUSTICE K.RAVICHANDRABAABU****W.P. (MD) No.1660 of 2017****and****W.M.P. (MD) .No.1360 & 1361 of 2017**

WEB COPY

Pasumpon Mahalir Mandram,
(Registration No.80 of 2015),
Rep. by its Secretary,
P.Kanagavalli.

.. Petitioner

Vs.

1. The State of Tamil Nadu
Rep. by its Secretary,
Industries Department,
Fort St. George, Chennai - 9.

2. The District Collector,
Madurai District, Madurai.

3. The Assistant Director of Geology and Mining,
Madurai.

4. The Revenue Divisional Officer,
Madurai, Madurai District.

5. The Tahsildar,
Melur Taluk Office,
Madurai District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd Respondents impugned order in Na.Ka.No.659/2015 Mines dated 12.01.2017 and quash the same as illegal and consequently direct the respondent to grant lease of stone quarry situated in Survey No. 21/1(P), Kachirayanpatti Village, Melur Taluk, Madurai District.

For Petitioner : Mr.M.Kannan

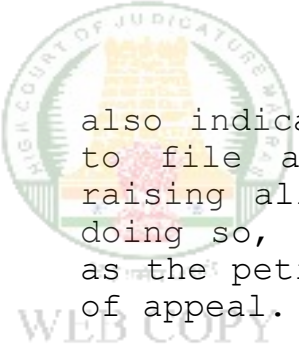
For Respondents : Mr.C.Selvaraj

Special Government Pleader

O R D E R

The present writ petition is filed challenging the order of the second respondent dated 12.01.2017 rejecting the petitioner's application for grant of lease of stone quarry situated in Survey No. 21/1(P), Kachirayanpatti Village, Melur Taluk, Madurai District.

2.The order impugned is admittedly an appealable order before the Commissioner of Geology and Mining, Chennai. The impugned order



also indicated to that effect. Therefore, it is for the petitioner to file a statutory appeal before such appellate authority by raising all the grounds, as raised in this writ petition. Without doing so, filing the present writ petition, cannot be entertained, as the petitioner has to necessarily exhaust the alternative remedy of appeal.

3. Accordingly, this writ petition is disposed of without expressing any view on the claim made by the petitioner only with liberty to the petitioner to file such an appeal before the appellate authority within a period of two weeks from the date of receipt of a copy of this order. Registry is directed to return the original impugned order to the petitioner forthwith. As and when any such appeal is filed, the appellate authority shall dispose of the appeal on its own merits and in accordance with law, within a period of four weeks thereafter. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Secretary,
Industries Department,
Fort St. George, Chennai - 9.
2. The District Collector,
Madurai District, Madurai.
3. The Assistant Director of Geology and Mining,
Madurai.
4. The Revenue Divisional Officer,
Madurai, Madurai District.
5. The Tahsildar,
Melur Taluk Office,
Madurai District.

+1cc to Mr. M. Kannan, Advocate, sr no 5429
+1cc to special Government Pleader, sr no 5718

rj2
ms/pn/7.2.2017/2p.8c

W.P. (MD) No. 1660 of 2017
01.02.2017