

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.15250 of 2018

M.Annamalai

...Petitioner

Vs.

1.The Commissioner

Department of Geology and Mines
T.V.K.Buildings, Industrial Estate
Guindy, Chennai - 600 032.

2.The District Collector

Thiruvallur, Thiruvallur District.

.... Respondents

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to dispose the appeal No.5727/M.M.9/2017 dated 17.07.2017 filed by the petitioner before the first respondent under Section 36-G (2) of Tamil Nadu Mines and Minerals Concession Rule 1956 against the order passed by the second respondent dated 09.05.2017 with regard to permission of taking balance Savudu soil in Survey No.195 Satharai Village, Thiruvallur Taluk and District.

For Petitioner :Mr.V.Chinnasamy

For Respondents :Mr.V.Jayaprakash Narayanan [For R1 & R2]
Special Government Pleader

O R D E R

The relief sought for in this writ petition is to direct the first respondent to dispose the appeal No.5727/M.M.9/2017 dated 17.07.2017 filed by the petitioner before the first respondent under Section 36-G (2) of Tamil Nadu Mines and Minerals Concession Rule 1956 against the order passed by the second respondent dated 09.05.2017 with regard to permission of taking balance Savudu soil in Survey No.195, Satharai Village, Thiruvallur Taluk and District.

2.The grievances of the writ petitioner is that the Savudu soil in Survey No.195, Satharai Village, Thiruvallur Taluk and District is unable to be removed within the time limit prescribed by the competent authorities. On account of certain

technical difficulties, the writ petitioner is unable to remove the same within the time limit.

3.However, the application submitted by the writ petitioner has been rejected by the second respondent dated 09.05.2017, against which the writ petitioner preferred an appeal under Section 36-G(2) of the Tamil Nadu Minor Mineral Concession Rules, 1959, before the first respondent and the same is under consideration. On account of enormous delay in dealing with the appeal, the writ petitioner is constrained to move this present writ petition.

4.Thus, without going into the merits and demerits of the case, the first respondent is directed to consider the appeal filed by the writ petitioner in Appeal/Na.Ka.No.5727/MM9/2017 dated 17.07.2017 and pass orders on merits and in accordance with law, within a period of twelve(12) weeks from the date of receipt of a copy of this order and also the writ petitioner is directed to enclose a copy of the appeal and other relevant documents, if any, along with the order passed in this writ petition.

5.With the above direction, this writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Commissioner

Department of Geology and Mines
T.V.K.Buildings, Industrial Estate
Guindy, Chennai - 600 032.

2.The District Collector

Thiruvallur, Thiruvallur District

+1cc to Mr.Mr.V.Chinnasamy, Advocate, S.R.No.40283

+1cc to the Government Pleader, S.R.No.40373

W.P.No.15250 of 2018

nr 05/07/2018