

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2018

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.29497 of 2018

1 G.V.K.Indhira Krisna Reddy
Rep by her Power Agent A.V.S.Moorthy
S/o Gopal Roa,
Kottaiyur Village, Thiruvallur Taluk,
Thiruvallur District ... PETITIONER

Vs.

1 The Chief Secretary
State of Taminadu,
Secretariat, Chennai 9

2 The District Collector
The Collectorate Office,
Thiruvallure, Thiruvallure District

3 The Sub Collector
The Collectorate Office,
Thiruvallure,
Thiruvallure District

4 The Revenue Divisional Officer,
The Revenue Divisional Office
Thiruvallure, Thiruvallure District

5 The Sub Inspector of Police
B-6 Mappedu Police Station,
Thiruvallur District ... RESPONDENTS

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issue a Writ of Certiorarified Mandamus, to call for the records connected in Na. Ka. No. 2454/2018/A1 dated 10.9.2018 passed by the 3rd respondent and quash the same and consequently direct the respondents to refund the recovery amount of Rs. 77 400/- to the petitioner.

For Petitioner : Mr.K.Gowthaman

For Respondents : Mr.M.Karthikeyan, A.G.P.

O R D E R

The learned counsel for the petitioner would submit that the petitioner has challenged the order passed by the fourth respondent by raising several grounds before this Court. The petitioner along with 20 workers were levelling his agriculture land with red soil using JCB machinery and two tractors. The 5th respondent has entered into his land and seized the JCB machinery and two tractors and criminal case also has been registered in Cr.No.294 of 2018 under Section 36(A) of Tamilnadu Minor Minerals Concessions Rules. Therefore, the petitioner has filed the present writ petition for quashing the proceedings of the third respondent, dated 10.9.2018 and consequently, direct the respondents to refund the recovery amount of Rs.77,400/- to the petitioner.

2. The learned Additional Government Pleader appearing for the respondents would submit that if any person aggrieved by the order passed by the third respondent under Section 36(A) of Tamilnadu Minor Minerals Concessions Rules, the petitioner has to file an appeal before the competent authority under Section 36(C) of the Tamilnadu Minor Minerals Concessions Rules, 1959. Therefore, the petitioner has preferred the writ petition without exhausting the alternative remedy.

3. The petitioner has preferred the present writ petition under Article 226 of Constitution of India, without exhausting the alternative remedy under Section 36(c) of the Tamilnadu Minor and Minerals Concessions Rules, 1959. Therefore, the petitioner without exhausting alternative remedy has approached this Court. Hence, the writ petition is not maintainable and the same is deserves to be rejected inlimine.

4. Accordingly, writ petition is dismissed. No costs. It is open to the petitioner to prefer an appeal before the competent authority, if so advised.

Sd/-

Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

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To

1. The Chief Secretary, Govt. of Taminadu, Secretariat, Chennai 9

- 2 The District Collector
The Collectorate Office, Thiruvallur District
- 3 The Sub Collector
The Collectorate Office, Thiruvallur District.
- 4 The Revenue Divisional Officer,
The Revenue Divisional Office, Thiruvallur District
- 5 The Sub Inspector of Police
B-6 Mappedu Police Station, Thiruvallur District

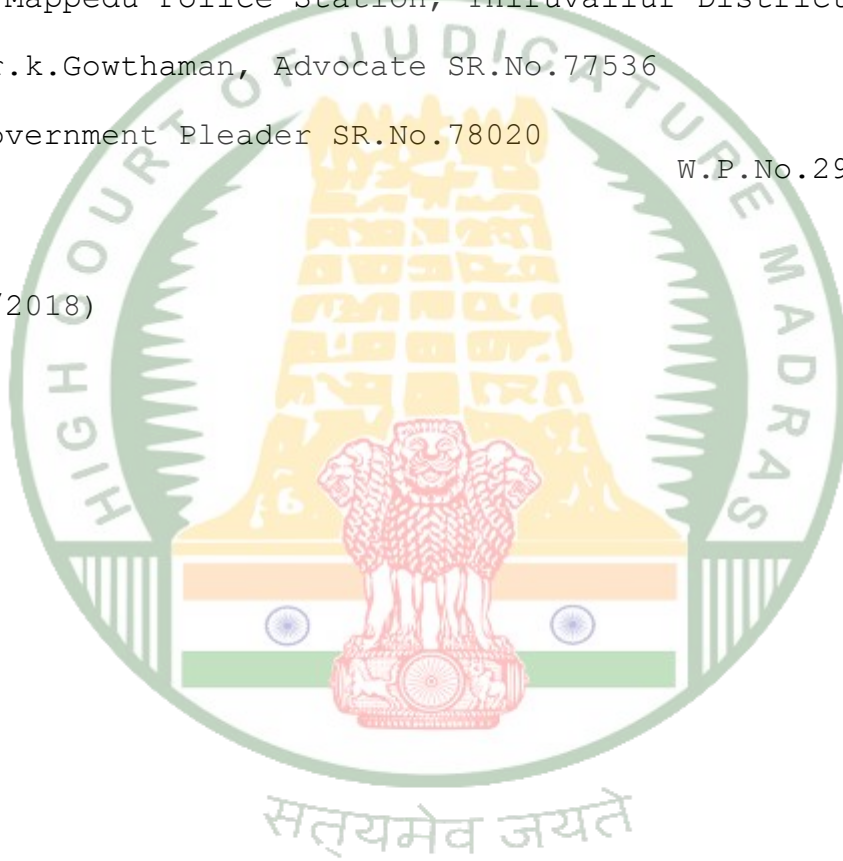
+1cc to Mr.k.Gowthaman, Advocate SR.No.77536

+1cc to Government Pleader SR.No.78020

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MG (CO)

GMV (30/11/2018)



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