



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN

Writ Petition (MD) No.3070 of 2018
and
W.M.P (MD) Nos.3228 to 3230 of 2018

J.Venkadesh

... Petitioner

Vs.

1. The District Collector,
Virudhunagar District.
2. The Deputy Director,
Department of Geology and Mining,
Virudhunagar District.
3. Amstrong Fernando

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records pertaining to the proceedings of the 1st respondent in Na.Ka.V.1/225/2017 dated 16/11/2017 and quash the same.

For Petitioner : Mr.M.Gururaj
For Respondents 1-2 : Mrs.J.Padmavathi Devi
Special Government Pleader.

ORDER

Challenging the order passed by the first respondent granting permission to the third respondent to quarry gravel, the present writ petition has been filed.

2.According to the petitioner, he is the owner of the property and he executed a sale deed in favour of the third respondent. At the time of execution of the sale deed, the third respondent has given some cheques for sale consideration to the petitioner. Subsequently, when the cheques were presented to the bank, the same was returned for insufficient of funds. According to the petitioner, since the sale consideration is not passed on him, the sale between the petitioner and the third respondent is not valid. In the above circumstances, the petitioner has filed the present writ petition challenging the order passed by the first



respondent granting permission to the third respondent to quarry gravel on his property.

3. Admittedly, there is an appeal remedy available before the Director, Geology and Mining against the order passed by the first respondent and thereafter, another appeal remedy is also provided to the Government. The petitioner has approached this Court without exhausting such alternative remedies therefore, the writ petition is not maintainable. Accordingly, the writ petition is dismissed. However, liberty is granted to the petitioner to file an appeal before the Director Geology and Mining, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such appeal, the Director, Geology and Mining is directed to consider the same and pass appropriate orders. No costs. Consequently, W.M.P(MD) Nos. 3228, 3229 and 3230 of 2018 are closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Virudhunagar District.
2. The Deputy Director,
Department of Geology and Mining,
Virudhunagar District.

+ 1 CC TO Mr.M.GURURAJ, ADVOCATE IN SR No. 48830
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 49326

SMS

TE/SV-MMS/SAR-3 : 28/02/2018 : 2P/5C

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