



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.9747 of 2018

S.Balraj

... Petitioner

vs.

1.The Director of Mines & Geology,
Then the Commissioner
Geology and Mining Authority,
Chennai.

2.The District Collector,
Thoothukudi District.

3.The Revenue Divisional Officer,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to conduct proper enquiry on the appeal made by petitioner dated on 07.02.2017 and dispose of the appeal within a stipulated time fixed by this Court.

For Petitioner : Mr.S.Karthikeyan

For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

O R D E R

Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, takes notice for the respondents.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. It is the grievance of the petitioner that his Appeal dated 07.02.2017 on the file of the first respondent, has not been considered by the first respondent till date and therefore, he has filed the present writ petition.

4. This Court has not expressed any of its view with regard to the merits of the Appeal made by the petitioner. It is needless to point out that whenever a representation/Appeal of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to



dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

5. In view of the limited prayer sought for in this writ petition, there shall be a direction to the first respondent to consider the petitioner's Appeal dated 07.02.2017 on its own merits and take further action in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner as well as to the respondents in the Appeal and any other persons who may be interested in the subject matter.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To:

1.The Director of Mines & Geology,
Then the Commissioner
Geology and Mining Authority,
Chennai.

2.The District Collector,
Thoothukudi District.

3.The Revenue Divisional Officer,
Thoothukudi District.

+1CC to Mr.S.Karthikeyan, Advocate, SR.No. 63874
+1CC to the Special Government Pleader SR.No.64512

W.P. (MD) No.9747 of 2018
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TM

AM/SV MMS/SAR 4/22.05.2018/2P/6C