

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN

Writ Petition No.11948 of 2019
and WMP.No.12175 of 2019

M.Balakrishnan
Proprietor of M/s.Vadivambika Enterprises
No.4/130, D Block, 1st floor,
Muthukumariamman Koil Street, M.A.Nagar,
Redhills,
Chennai 600 052.Petitioner

Vs

1. The Secretary to Government
Ministry of Mines,
New Delhi 110 001.
2. The Secretary,
The Department of Industries,
Government of Tamil Nadu,
Chennai 600 009.
3. The Commissioner,
O/o.The Mine and Geology Department,
Guindy, Chennai 600 032.
4. The District Collector,
Thiruvallur,
Thiruvallur District. Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus direction to call for the records of the third respondent made in memo dated 23.02.2018 in Appeal file No.4167/MM9/2017 quash the same and direct the second respondent to consider the appeal petition dated 05.05.2017 filed by the petitioner by post and it was received by the third respondent on 08.05.2017.

For Petitioner : M/s.N.Umapathi
For Respondents: Mr.V.Shanmuga Sundar,
Spl.Govt.Pleader

O R D E R

[Order of the Court was made by R.SUBBIAH,J]

The petitioner has filed the above Writ Petition praying for issuance of a a Writ of Certiorarified Mandamus to call for the records of the third respondent made in Memo dated 23.02.2018 in Appeal file No.4167/MM9/2017, quash the same and direct the second respondent to consider the appeal petition dated 05.05.2017 filed by the petitioner which was received by the third respondent on 08.05.2017.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. The case of the petitioner is that he had commenced a business in the name and style of M/s.Vadivambika enterprises involved in Silica sand from Andra Pradesh to Tamil Nadu and obtained licence from the Deputy Director of Mines and Geology, Guntur, Andhra Pradesh under Form D. During the course of business, he received an order for the above business from M/s.Suguna Machine Works Private Ltd., Coimbatore and after placing the order by M/s.Suguna Machine Works Private Ltd., he rented the truck from one N.Navarasan bearing Registration No.TN 18 F 3521 and the said vehicle was carrying Silica sand. He had crossed the check post B.V.Palem, TADA Mandalam on 19.12.2013 and the said vehicle was intercepted by police on the allegation of carrying illegal transporting of river sand from Andhra Pradesh to Tamil Nadu. Thereafter the third respondent passed an order imposing a fine amount as penalty. Aggrieved by the same the petitioner has filed an appeal before the Commissioner, Mine and Geology Department/third respondent. The third respondent, after hearing the submissions directed the petitioner to approach the State Government again and he was sent back to the Commissioner.

4. The learned counsel for the petitioner submitted that the petitioner would be satisfied if the said appeal is directed to be disposed of by the third respondent.

5. The learned Special Government Pleader appearing for the respondents submitted that the Commissioner/third respondent would dispose of the said appeal within a time frame that may be fixed by this Court.

6. Having regard to the submissions made by the learned counsel on either side, as the third respondent has already fixed the date of hearing of appeal as 29.07.2019 for the appearance of the petitioner, third respondent is directed to hear the petitioner and pass appropriate orders on

merits and in accordance with law, within a period of six weeks. It is made clear that this Court has not expressed any opinion on the merits of the matter and it is for the third respondent to consider the same purely on merits and in accordance with law.

7. Accordingly the writ petition stands disposed of. No costs. Consequently connected writ petition is also closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

dpq

To

1. The Secretary to Government
Ministry of Mines,
New Delhi 110 001.
2. The Secretary,
The Department of Industries,
Government of Tamil Nadu,
Chennai 600 009.
3. The Commissioner,
O/o.The Mine and Geology Department,
Guindy, Chennai 600 032.
4. The District Collector,
Thiruvallur,
Thiruvallur District.

+1cc to Mr.M/s.N.Umapathi , Advocate SR.No. 62115
+1 cc to Government Pleader Sr.No. 62383

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A.SK(25/07/2019)