



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.21771 of 2018 and
W.M.P.(MD)No.19689 of 2018

S.Balraj

... Petitioner

Vs.

1. The District Collector,
Thoothukudi District.

2. The Revenue Divisional Officer,
Thoothukudi District.

3. The Tahsildar,
Srivaikundam,
Thoothukudi District.

4. The Commissioner of Geology and
Mining Authority,
Guindy, Chennai.

(R-4 is impleaded vide order dated 26.10.2018
in W.M.P(MD)No.19880 of 2018)

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to quash the proceedings of the third respondent in Form No.4 dated 16.10.2018 under Section 25 of the Mines and Minerals(Development and Regulation) Act 1957.

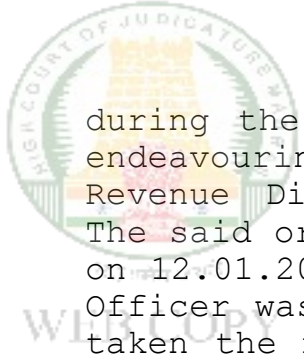
For Petitioner : Mr.G.Prabhu Rajadurai,
for Mr.S.Karthikeyan.

For Respondents : Mr.M.Rajarajan,
Government Advocate.

O R D E R

Heard the learned counsel on either side.

2. Considering the nature of order that is going to be passed, there is no need to refer to the antecedent developments. Suffice it to say that aggrieved by an adverse order received at the hands of the first respondent, the petitioner filed a revision before the Commissioner of Geology and Mining on 04.06.2018. The petitioner has also filed written submissions before the revisional authority. But



during the pendency of the said revision, the third respondent is endeavouring to enforce the order dated 30.08.2013 passed by the Revenue Divisional Officer, Thoothukudi in Na.Ka.No.A2/4015/2002. The said order was confirmed by the District Collector, Thoothukudi, on 12.01.2017. Even though the said order of the Revenue Divisional Officer was confirmed by the District Collector, the petitioner has taken the matter before the Commissioner of Geology and Mining. If during the pendency of the said Revision petition, the petitioner is not favoured with an interim order, the Revision proceedings will become infructuous.

3. Therefore, the third respondent is directed to not to enforce the aforesaid order dated 30.08.2013 passed by the Revenue Divisional Officer, Thoothukudi in Na.Ka.No.A2/4015/2002, which was confirmed by the District Collector, Thoothukudi, on 12.01.2017 till the disposal of the fourth respondent.

4. The Writ petition stands disposed of, accordingly. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Thoothukudi District.
2. The Revenue Divisional Officer,
Thoothukudi District.
3. The Tahsildar,
Srivaikundam,
Thoothukudi District.
4. The Commissioner of Geology and
Mining Authority,
Guindy, Chennai.

+1 CC to M/s.S.KARTHIKEYAN, Advocate (SR-3690[I] dated 25/02/2019)

PMU

DS : 02/04/2019 : 2P/6C

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W.M.P. (MD) No.19689 of 2018
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