

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.02.2020

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.NO.3765 OF 2020

S.Eswaran

.. Petitioner

..Vs..

1. The Secretary to Government,  
Industries Department,  
Fort St. George,  
Chennai - 600 009.
2. The Commissioner of Geology & Mining,  
Guindy, Chennai - 600 032.
3. The District Collector,  
Namakkal District,  
Namakkal.
4. The Assistant Director of Geology & Mining,  
Geology & Mining Department,  
Namakkal,  
Namakkal District.

..Respondents

PRAYER :

Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent herein to pass orders on the appeal preferred by the petitioner dated 27.02.2019 under Rule 36 (C)(3) of Tamil Nadu Minor Mineral Concession Rules, 1959, Challenging the orders of the 2<sup>nd</sup> respondent in Rc.No.5723/MM9/2017, dated 04.02.2019 confirming the order of the 3<sup>rd</sup> respondent in Mu.Mu.176/MM/2017 dated 16.06.2017 pertaining to termination of stone quarry leases granted in Survey No.138/2 of Kumaramangalam Village, Thirchengode Taluk, Namakkal District.

For Petitioner : Mr.G.Arul Murugan

For Respondents : Mr.R.Govindasamy,  
Additional Government Pleader

O R D E R

The writ petition has been filed in the nature of mandamus, seeking direction as against the 1<sup>st</sup> respondent to pass orders on the appeal preferred by the petitioner dated 27.02.2019 under Rule 36 (C)(3) of Tamil Nadu Minor Mineral Concession Rules, 1959, Challenging the orders of the 2<sup>nd</sup> respondent who had confirmed the orders of the 3<sup>rd</sup> respondent by which order, the stone quarry license granted to the petitioner were terminated.

2. By consent of both parties, orders are passed in the main writ petition.

3. The petitioner had a stone quarry license at Survey No.138/2 of Kumaramangalam Village, Thirchengode Taluk, Namakkal District. Proceedings were initiated by the 3<sup>rd</sup> respondent namely the District Collector, Namakkal District. The petitioner had participated in the said proceedings. However, the orders were passed, terminating the license. As against that, the petitioner preferred an appeal before the 2<sup>nd</sup> respondent namely the Commissioner of Geology & Mining, Guindy, Chennai. This appeal was dismissed on 04.02.2019 and the order of the 3<sup>rd</sup> respondent/District Collector, Namakkal District was confirmed.

4. As against the order of the 2<sup>nd</sup> respondent, the petitioner preferred a statutory appeal before the Secretary to Government, Industries Department, Chennai, on 27.02.2019 under Rule 36 (C)(3) of Tamil Nadu Minor Mineral Concession Rules, 1959.

5. The grievance of the learned counsel for the petitioner is that even though the appeal is pending for nearly one year, the 1<sup>st</sup> respondent had not taken any steps towards the disposal of the appeal.

6. Under these circumstances, a mandamus is issued to the 1<sup>st</sup> respondent to proceed with hearing of the appellant in manner known to law and follow required procedure and thereafter dispose of the appeal on or before 30.04.2020.

7. With the above observation, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vum

To

1. The Secretary to Government,  
Industries Department,  
Fort St. George,  
Chennai - 600 009.
2. The Commissioner of Geology & Mining,  
Guindy, Chennai - 600 032.
3. The District Collector,  
Namakkal District,  
Namakkal.
4. The Assistant Director of Geology & Mining,  
Geology & Mining Department,  
Namakkal, Namakkal District.

+1cc to Mr.G.Arul Murugan, Advocate, S.R.No.13155

W.P.No.3765 of 2020

MG(CO)  
CS/20/02/2020



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