

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.7760 of 2020
and
WMP Nos.9127 and 9128 of 2020

add r4

W.P.No.7760 of 2020
and
W.M.P.Nos.9127 & 9128 of 2020

M.R.Viswanathan
S/o.Rakkiya Gounder
No.185, Morattupalayam
Uthukulai Taluk
Tiruppur District.

... Petitioner

Vs

1.The Director of Geology and Mining
Guindy, Chennai-600 032.

2.The District Collector
Tiruppur District,
Tiruppur.

3. M.R.Mani,
S/o Rakkiya Gounder,
No.185, Morattupalayam,
Uthukuli Taluk,
Tiruppur District

(R3 impleaded vide order dt 21.07.2020
made in WMP.10036/2020 in WP7760/2020
by KRCBJ)

4. The Principal Secretary to Government
Industrial Department,
Fort St.George,
Chennai - 600 009.

(R4 impleaded vide order dt 18.08.2020
made in WMP.13229/2020 in WP.7760/2020
by KRCBJ)

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.No.1190/2017/Mines dated 17.03.2020 and quash the same insofar relate to stoppage of the quarry operation and consequently, directing the 2nd respondent to permit the petitioner to continue quarry operation in his leased out area situated in S.Nos.96/1B and 96/2B, Morattupalayam Village, Uthukuli Taluk, Tiruppur District.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.E.Manoharan for R1 and R2
Special Government Pleader
and Mr.Akhil Akbar Ali
Government Advocate
Mr.C.E.Pratap for R3
Mr.M.D.Ilayaraja for R4
Government Advocate

O R D E R

This matter is taken up for hearing through Video Conferencing mode.

2. Mr.M.D.Ilayaraja, learned Government Advocate takes notice for the impleaded fourth respondent.

3. Heard both sides.

4. The petitioner is aggrieved against the proceedings dated 17.03.2020, issued by the second respondent, which is nothing but a show cause notice, calling upon the petitioner to give his explanation on the allegation made in the show cause notice that the petitioner has mined excess material more than the permitted one. In the very same proceedings, the second respondent also directed the petitioner to stop the quarry until further orders.

5. It is not in dispute that the impugned show cause notice issued by the second respondent is in consequence of the order passed by the first respondent dated 06.03.2019 against the petitioner, wherein and whereby, the said Authority found that the petitioner has made serious violation of illegal mining. Thus, the said Authority dismissed the first appeal preferred by the petitioner by the said order dated 06.03.2019, against which, the petitioner preferred a Second Appeal before the fourth respondent herein on 21.05.2019. Pending the second appeal, the present impugned show cause notice is issued.

6. The contention of the petitioner is that when the petitioner has already filed second appeal as against the order of the first respondent before the fourth respondent, the second respondent is not justified in issuing the impugned show cause notice.

7. It is submitted by the learned counsel for the third respondent that he has also filed second appeal before the fourth respondent arising out of the same issue between the same parties. He further submitted that the second appeal is also not yet disposed of, even though an order was passed by this Court to dispose the same within the stipulated time.

8. Considering the fact that the challenge made in this writ petition is against the impugned show cause notice and that already the petitioner has approached the second Appellate Authority by way of filing second appeal, this Court is inclined to dispose the Writ Petition, without expressing any view on the merits of the matter, only by directing the fourth respondent to dispose of the second appeals filed by the petitioner as well as the third respondent within a period of eight weeks from the date of receipt of a copy of this order.

9. Accordingly, the Writ Petition is disposed of. No costs. The connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Director of Geology and Mining
Guindy, Chennai-600 032.

2.The District Collector
Tiruppur District, Tiruppur.

3. The Principal Secretary to Government
Industrial Department,
Fort St.George,
Chennai - 600 009.

+1cc to Government Pleader in SR.27075

W.P.No.7760 of 2020

NRL (CO)
RV (07/09/2020)