

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.01.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.35389 of 2019

R.Sujatha

.. Petitioner

..Vs..

The Commissioner,
Mines & Geology Department,
Guindy,
Chennai 600 032.

..Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to dispose of the appeal dated 11.11.2019 submitted by the petitioner herein within a time frame to be fixed by this Court.

For Petitioner : Mr.S.Ramachandran

For Respondents : Mrs.P.Rajalakshmi,
Additional Government Pleader

O R D E R

The writ petition has been filed in the nature of mandamus seeking disposal of the appeal dated 11.11.2019 which had been filed by the petitioner before the respondent namely the Commissioner of Mines and Geology Department, Guindy, Chennai 600 032.

2. In the affidavit filed in support of the writ petition, it had been stated that the husband of the petitioner late Ramesh Babu was granted permission under Rule 19 (1) and 22 of the Tamil Nadu Mines and Mineral Concession Rules 1959 for quarrying rough stone and earth in and over an extent of 4.22.5 hectares of Patta land in S.F.No.16/2 & 17 of Edaikkal Village and S.F.No.330/3 of Thirupair Village of Ulundurpet Taluk, Villupuram District.

3. The agreement of lease was for a period of five years from 15.10.2016 to 13.10.2021. Unfortunately, the husband of the petitioner was murdered on 27.01.2018. The petitioner therefore sought change of name as a successor/legal heir of her husband.

4. The petitioner claimed that the quarrying operation were carried out in the land only by herself and her husband. When the petitioner was admitted in the hospital and underwent surgery, she was issued with a show cause notice dated 18.09.2019 by the District Collector, Villupuram District, alleging that a writ petition in W.P.No.2496 of 2019 was filed against the petitioner by one C.Prabhu and a joint inspection was conducted by the District Forest Officer and Environmental Engineer, Pollution Control Board, Sub District, Thirukkuvilur Assistant Director, Mines and Geology Department, Deputy Superintendent of Police and Tahsildar whereby it was found that there were certain violation committed by the petitioner. Thereafter, the lease granted to the petitioner was cancelled by an order dated 16.10.2019. Hence, The petitioner filed an appeal on 11.11.2019 before the respondent. In the present writ petition, it is sought that the respondent may dispose of the appeal.

5. Considering the facts and circumstances of the case, a mandamus is issued to the respondent to dispose of the appeal which had been filed on 11.11.2019 after following due process of law and thereafter the respondent may pass an order with reasons on or before 29.02.2020.

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

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

vum

To

The Commissioner,
Mines & Geology Department,
Guindy,
Chennai 600 032.

+1cc to Mr.Ramachandran, Advocate SR.5427
+1cc to the Government pleader SR.5746

W.P.No.35389 of 2019

KK (CO)
CB (03/02/2020)



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