



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2020

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD) .No.15188 of 2020

R.Jayapandi

.. Petitioner

Vs.

The District Collector,
Theni District, Theni.

.. Respondent

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorari, calling for the entire records pertaining to the impugned order of the respondent in Na.Ka.No.137/Mines/2019, dated 07.01.2020 and quash the same.

For Petitioner

: Mr.R.Jayapandi
(Party in person)

For Respondent

: Mr.C.Ramesh
Special Government Pleader

ORDER

Heard Mr.R.Jayapandi, party in person and Mr.C.Ramesh, learned Special Government Pleader appearing for the respondent.

2. This writ petition has been filed challenging the order dated 07.01.2020 passed by the respondent under Section 6 of the Mines and Minerals Development and Regulation Act, 1957. Under the impugned order, the application for mining license was rejected by the respondent. Instead of filing the statutory appeal as prescribed under Rule 36-C(2) of the Tamil Nadu Minor Mineral concession Rules, 1959, the petitioner has directly approached this Court under Article 226 of the Constitution of India.

3. Rule 36-C(2) of the Tamil Nadu Minor Mineral Concession Rules, 1959, reads as follows:-

"36-C(1)...

36-C(2).Any person aggrieved by any order made by the District Collector in exercise of the powers conferred on him by these rules except on appeals under Sub-Rule (1) may, within 30 days from the date of communication of the order to him, appeal to the



Director of Geology and Mining against such order. In case, the aggrieved person is not satisfied with the decision of the Director of Geology and Mining, he may prefer a second appeal to the State Government within 30 days from the date of receipt of the order of the Director of Geology and Mining."

4. As seen from the grounds raised by the petitioner, it is not the case of the petitioner that the impugned order has been passed without jurisdiction or without authority under law. When there is an efficacious, alternative, statutory appellate remedy available to the petitioner, this Writ Petition is not maintainable.

5. Accordingly, this Writ Petition is dismissed. However, liberty is granted to the petitioner to prefer the statutory appeal under Rule 36-C(2) of the Tamil Nadu Minor Mineral Concession Rules, 1959, as against the impugned order of the respondent dated 07.01.2020.

6. The petitioner is directed to approach the Statutory Appellate Authority as prescribed under Rule 36-C(2) of the Tamil Nadu Minor Mineral Concession Rules, 1959, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the Statutory Appellate Authority shall dispose of the appeal filed by the petitioner on merits and in accordance with law, within a period of eight weeks thereafter. No costs.

Sd/-

Assistant Registrar (CS-II)

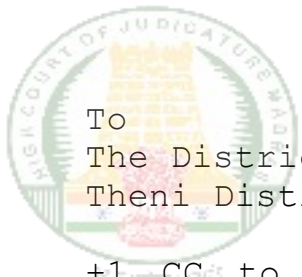
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/ /2020

Sub Assistant Registrar (CS)

TSG

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To
The District Collector,
Theni District, Theni.

+1 CC to Mr.R.JEYA PANDI, Party in person (SR-20909[F]
dated 03/11/2020)

+1 CC to SGP (SR-21152[F] dated 04/11/2020)

**W.P (MD) .No.15188 of 2020
03.11.2020**

ARK(CO)
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