



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2020

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.15040 of 2020
and W.M.P. (MD) No.12678 of 2020
(Through Video Conference)

Manoharan

.. Petitioner

Vs.

The District Collector,
Sivagangai District,
Sivagangai.

.. Respondent

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the impugned order in Na.Ka.M2/97/2020 dated 08.10.2020 passed by the respondent herein and to quash the same illegal.

For Petitioner : Mr.K.Anbarasan

For Respondent : Mr.C.Ramar,

Additional Government Pleader

O R D E R

This writ petition has been filed challenging the order made in Na.Ka.M2/97/2020 dated 08.10.2020 passed by the respondent.

2. Mr.C.Ramar, learned Additional Government Pleader, takes notice for the respondent. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The impugned order, dated 08.10.2020 passed by the respondent is an appealable order under the Tamil Nadu Minor Mineral Concession Rules, 1959.

4. As seen from the impugned order, the petitioner has been given sufficient opportunity to raise all contentions. Therefore, principles of natural justice has not been violated by the respondent. In such circumstances, the present writ petition is not maintainable. If at all the petitioner is aggrieved by the impugned order, he should have preferred the statutory appeal under Rule 36-C of the Tamil Nadu Minor Mineral Concession Rules, 1959. Instead of preferring the statutory appeal, the petitioner has directly



approached this Court under Article 226 of the Constitution of Indian.

5. The learned counsel for the petitioner, on instructions, would submit that the petitioner is willing to prefer the statutory appeal, if sufficient time is granted to the petitioner to prefer the statutory appeal.

6. Recording the submissions of the learned counsel for the petitioner, the petitioner is directed to prefer the statutory appeal under Rule 36-C of the Tamil Nadu Minor Mineral Concession Rules, 1959 as against the impugned order, dated 08.10.2020 passed by the respondent within a period of two (2) weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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,
Sivagangai District,
Sivagangai.

+1cc to Special Government Pleader Sr.No.25418

Order made in
W.P (MD) .No.15040 of 2020

Dated:
10.12.2020

TP (CO)

NR (06/01/2020) 2P : 3C

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