



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2021

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P. No. 17850 of 2021

Karthick

...Petitioner

Versus

1. The District Collector
Office of the District Collector
Fort, Salem
Tamil Nadu
2. The Commissioner of Geology and Mining
Guindy, Chennai - 600 032
3. The Sub-Collector
Mettur Revenue, Sub-Division
Mettur, Salem District
Tamil Nadu

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent to dispose the Appeal in Appeal No. NIL (Ref. No. 9873-MM-9/2018), dated 26.12.2018, in accordance with law within a time frame

For Petitioner : Mr. S. Kamaleshkannan

For Respondents : Mr. G. Krishnaraja
Government Counsel

O R D E R

Mr.G.Krishnaraja, learned Government counsel takes notice for the respondents. By consent of both the parties, this writ petition is taken up for final disposal at the time of admission itself.

2.The present writ petition has been filed seeking a direction to the second respondent to dispose the Appeal bearing ref. No. 9873-MM-9/2018, dated 26.12.2018, in accordance with law within a time frame to be stipulated by this court.



3. According to the petitioner, the first respondent had issued permission to the petitioner for extraction of earth/gravel at Manathal Eri in S.Nos.1/1 part, ½ part, 24/1 part and 24/2 part, measuring to an extent of 4.25.0 hectares with a quantum of 42,500 cubic meters/7,083 lorry loads for a period of 11 months. After obtaining necessary permissions from the authorities concerned, the petitioner commenced the operation on 08.08.2015 till 15.09.2015. While so, based on the complaint lodged by one Ammasi and after conducting inspection, the third respondent passed an order dated 23.06.2017 imposing a fine of Rs.49,46,501/-, against which, the petitioner filed an appeal before the first respondent. By order dated 15.11.2018, the first respondent rejected the said appeal thereby confirming the order passed by the third respondent. Challenging the same, the petitioner went on further appeal before the second respondent on 26.12.2018, which is pending, without any consideration. Therefore, this writ petition.

4. Heard both sides and perused the documents enclosed in the typed set of papers.

5. Considering the limited relief sought in this writ petition, this court, without going into the merits of the case, directs the second respondent to consider the petitioner's appeal dated 26-12-2018 and pass appropriate orders, on merits and in accordance with law, after affording reasonable opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

dhk

To

1. The District Collector,
Office of the District Collector,
Fort, Salem,
Tamil Nadu.



2. The Commissioner of Geology and Mining,
Guindy,
Chennai - 600 032.

3. The Sub-Collector,
Mettur Revenue, Sub-Division,
Mettur, Salem District,
Tamil Nadu.

+1 cc to M/s.Kamalesh Kannan,Advocate Sr.No.42508

+1 cc to the Government Pleader,Advocate Sr.No.43073

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KG[co]
NSK 21/09/2021