

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.04.2021

CORAM

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No. 31038 of 2018
and WMP.Nos.36220 & 36221 of 2018

P.Soundari

..Petitioner

Vs

1. The Director of Town and Country Planning,
Opp. LIC, Anna Salai, Chennai.
2. The District Collector,
Tiruppur District, Tiruppur.
3. The Assistant Director of Mines,
Collectorate, Tiruppur,
Tiruppur District.
4. The Special officer,
Sukkampalayam village Panchayat,
Palladam Block, Palladam Taluk,
Tiruppur District.

5. Durisamy

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 4th respondent in his proceedings Na.Ka.No. 1574/2018/AA.2, dated 31.05.2018 and quash the same.

For Petitioner : No Appearance

For Respondent No.1 to 4: Mr.D.Suryanarayanan, GA

Respondent No.5 : Notice not ready

O R D E R

The prayer sought for in the Writ Petition is to call for the records relating to the impugned order passed by the 4th respondent in his proceedings Na.Ka.No. 1574/2018/AA.2, dated 31.05.2018 and quash the same.

2. The writ petitioner has made an application to the respondents for renewal of stone quarry running in his land situated in S.No.36/1, 36/2 and 45/2 in Sukkuampalayam Village, Palladam Taluk, Tiruppur District to the extent of 2.36.0 hectares for a period of five years. The said application of the petitioner was rejected by the 2nd & 3rd respondents on the ground that the 4th respondent passed orders in favour of the 5th respondent whereby regularise th 5th respondent's plot to the extent of 163.13 Sq.meter.

3. No representation on behalf of the petitioner. Heard the learned counsel appearing for the respondents and perused the documents available on record.

4. According to the petitioner, he was running the stone quarry from the year 2005 and also running crusher unit covered by valid license. If the petitioner being aggrieved by the orders passed by the respondents, he shall seek remedy before the Appellate Authority under Rule 36(c) (2) of the Tamil Nadu Mines and Minerals Act 1959. Without approaching the Appellate Authority, the petitioner has filed the present writ petition seeking direction to the respondents.

5. At the first instance, the parties must approach the Appellate authority provided under the statute. In the present case on hand, Rule 36(c) (2) of the Tamil Nadu Mines and Minerals Act 1959 provides an appeal against an order passed by the original authority.

6. Accordingly, this Court direct the writ petitioner to approach the Appellate authority Rule 36(c) (2) of the Tamil Nadu Mines and Minerals Act 1959 Act and in the event of preferring any such appeal by the petitioner, the Appellate authority shall issuing notice to the respective parties, hear the matter by providing opportunity to all the parties concerned and pass orders on merits and in accordance with law within a period of six (6) weeks from the date of receipt of a copy of this Order.

7. With the above directions, the writ petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Director of Town and Country Planning,
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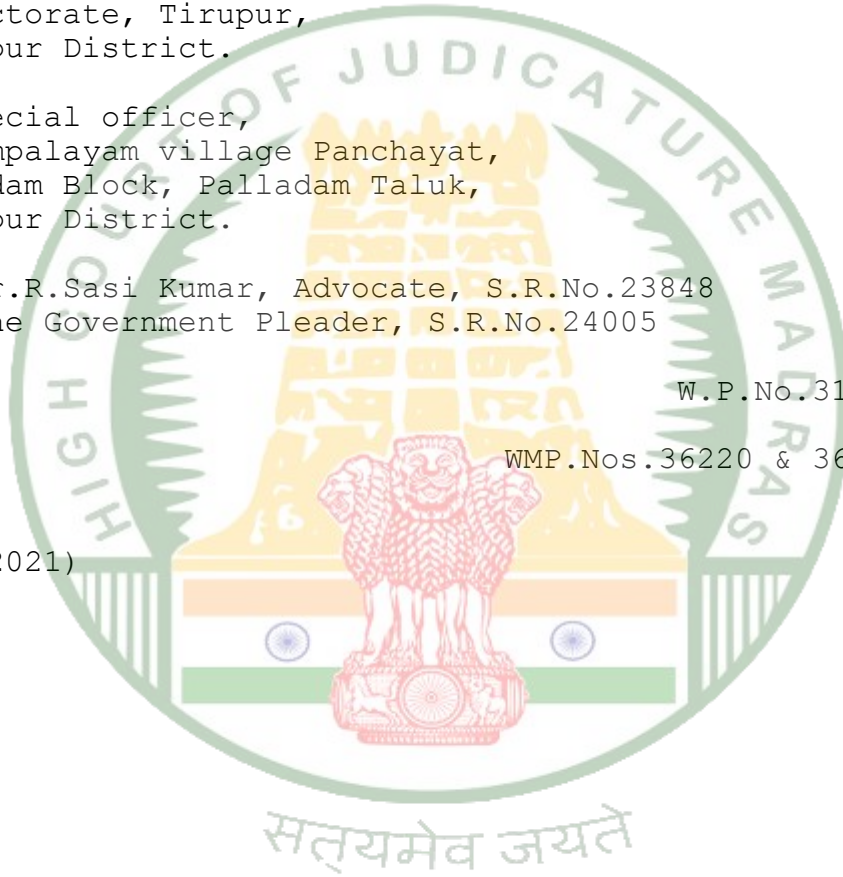
+1cc to Mr.R.Sasi Kumar, Advocate, S.R.No.23848

+1cc to the Government Pleader, S.R.No.24005

W.P.No.31038 of 2018
and

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SSN(CO)
CB(14/06/2021)



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