



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **01.09.2021**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.15537 of 2021

(Through Video Conference)

WEB COPY

S.Karunanithi

... Petitioner

-Vs-

1.The Commissioner of Geology and Mining,
Guindy, Chennai.

2.The District Collector,
Sivagangai District,
Sivagangai.

3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sivagangai.

... Respondents

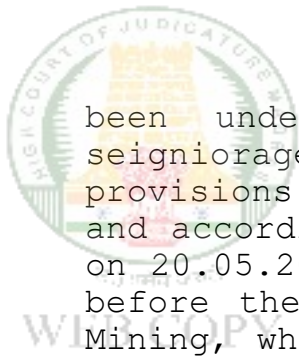
Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the 2nd Respondent to consider the petitioner's appeal petition dated July, 2016 pending on the office of the 2nd respondent against the order passed by the 3rd respondent in his Proceedings in Na.Ka.A4/2016/2012, dated 15.04.2016 based on the representation dated 27.07.2021.

For Petitioner : Mr.N.Anandakumar
For Respondents : Mr.D.Ghandiraj
Government Advocate

ORDER

Prayer sought for herein is for a writ of mandamus, directing the 2nd Respondent to consider the petitioner's appeal petition, dated July, 2016 pending in the office of the 2nd respondent, filed against the order passed by the 3rd respondent in his Proceedings in Na.Ka.A4/2016/2012, dated 15.04.2016, based on the representation dated 27.07.2021.

2.In respect of the Tank at Sooranam Village, Ilayangudi Taluk, Sivagangai District, in order to desilt the Tank, the petitioner, who was the then President of the Village had taken earth from the Tank, that is, Savudu Soil. This has been subsequently noticed by the respondents and they found that though, for the desilting purpose that soil was removed from the Tank concerned, permission should have been obtained by the petitioner, before doing the said work and without being obtained permission from the concerned authorities, that is, the respondents herein, since the work had



been undertaken, by thus, the petitioner is liable to pay seigniorage and other charges including penalty payable under the provisions of the Tamil Nadu Miner Minerals Concession Rules, 1959, and accordingly, an order has been passed by the District Collector on 20.05.2013, as against which when the petitioner filed an appeal before the first respondent, that is, Commissioner of Geology and Mining, who passed an order on 15.10.2015 remanded the matter back to the second respondent, District Collector, who in turn, directed the third respondent/Revenue Divisional Officer, to re-look the matter and to pass a fresh order, based on which, the third respondent Revenue Divisional Officer had passed an order on 15.04.2016, confirming the earlier order passed in this regard, and fixing the liability as well as the responsibility on the petitioner to pay the charges under the Tamil Nadu Minor Minerals Concession Rules, 1959, and accordingly a sum of Rs.1,77,100/- was directed to be paid.

3.Felt aggrieved over the said order, dated 15.04.2016 passed by the third respondent, the petitioner preferred an appeal to the second respondent/District Collector some time in July, 2016, however, according to the petitioner, the said appeal is still pending with the second respondent and therefore, in order to dispose the said appeal on merits within a time frame, he has filed the present writ petition with aforesaid prayer.

4.Heard Mr.N.Anandakumar, learned counsel appearing for the petitioner, who, having reiterated the aforesaid facts, would seek indulgence of this Court to issue a writ of mandamus to the second respondent/District Collector to decide his appeal within a time frame, on merits.

5.Heard Mr.D.Ghandiraj, learned Government Advocate appearing for the respondents, who would submit that, if at all, the appeal filed by the petitioner with the second respondent in the year 2016, is still pending, certainly, it would be considered and decided on merits, for which, the petitioner shall give cooperation, as if, any further input is required to be received from the petitioner, notice would be given to the petitioner to get the input and after receiving the input, if any, from the petitioner, the said appeal of the petitioner would be decided on merits.

6.I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

7.In view of the innocuous prayer sought in this writ petition, where the petitioner only seeks for a direction to the second respondent/District Collector to decide the appeal filed in July, 2016 as against the order passed by the third respondent, dated 15.04.2016, and by taking into account the submissions made by the



learned Government Advocate appearing for the respondents, this Court is inclined to dispose of the writ petition with the following order:

"that there shall be a direction to the second respondent/District Collector to consider and decide the appeal filed by the petitioner in July, 2016, as against the order passed by the third respondent dated 15.04.2016 in Na.Ka.No.A4/2016/2012, and while considering the same, the petitioner can be given a notice to get further input, if any, to be received from him, and after considering the merits of the case, the appeal of the petitioner shall be disposed of by the second respondent, within a period of eight weeks from the date of receipt of a copy of this order."

8. With these directions, this writ petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

PJL

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

1. The Commissioner of Geology and Mining,
Guindy, Chennai.
2. The District Collector,
Sivagangai District,
Sivagangai.
3. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sivagangai.

+1 CC to M/s.GP (SR-27902[F] dated 02/09/2021)

W.P. (MD)No.15537 of 2021

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NSN(CO)/RS (26.10.2021) 3P 5C

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