



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2021

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

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W.P. (MD)No.25514 of 2018

and

W.M.P (MD) .No.23109 of 2018

V.Murugan

... Petitioner

-Vs-

1. The District Collector,
Sivagangai District,
Sivagangai.

2.The Commissioner of Geology and Mining,
Guindy, Chennai.32.

3.The Revenue Divisional Officer,
Sivagangai District,
Sivagangai.

4.The Assistant Director of Geology and Mining,
Sivagangai District,
Sivagangai.

5.The Tahsildar,
Sivagangai District,
Sivagangai.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorari Mandamus, to call for the records relating to proceedings in Na.Ka.(A4)7847/2018 dated 30.11.2018 issued by the 3rd respondent and quash the same as illegal and consequently forbearing the 3rd respondent from taking any recovery proceedings from the petitioner.

For Petitioner : Mr.R.Senthil Kumar

For Respondents : Mr.D.Gandhi Raj
Government Advocate (Civil Side)

ORDER

Prayer sought for herein is for a Writ of Certiorarified Mandamus, to call for the records relating to proceedings in Na.Ka.(A4)7847/2018 dated 30.11.2018 issued by the 3rd respondent and quash the same as illegal and consequently forbearing the 3rd respondent from taking any recovery proceedings from the petitioner.



2. In respect of the proceedings issued by the third respondent, ie., the Revenue Divisional Officer, Sivagangai, by order dated 30.11.2018 in Na.Ka.(A4)7847/2018, whereby penalty has been imposed against the petitioner for quarrying, it is submitted that the petitioner has filed appeal under the provisions of the Tamilnadu Minor Minerals Concession Rules, 1959, to the appellate authority, namely, the District Collector, who is the first respondent herein in Na.Ka.No.21725/2017 dated 18.01.2019.

3. In this context, Mr.D.Gandhi Raj, learned Government Advocate (Civil Side), appearing for the respondents would submit that as against the order passed by the third respondent dated 30.11.2018, which is impugned herein, since appeal had been filed by the petitioner and the same is pending before the first respondent as claimed by the petitioner, the same can be directed to be disposed of on merits and in accordance with law.

4. The said stand taken by the learned Government Advocate (Civil side) appearing for the respondents has not been controverted by the learned counsel for the petitioner, Mr.R.Senthil Kumar, who would also submit that the said appeal, which is pending before the first respondent filed by the petitioner can be directed to be disposed of.

5. In view of the said stand taken by the learned counsel appearing for both sides, by taking into account the said submissions made by the learned counsel on both sides, this Court is inclined to dispose of the writ petition with the following directions:

"that there shall be a direction to the first respondent, namely, the District Collector, to decide the appeal pending in Na.Ka.No.21725/2017 dated 18.01.2019, filed as against the order passed by the third respondent in Na.Ka.(A4)7847/2018 dated 30.11.2018 by the petitioner and pass orders thereon on merits and in accordance with law within a period of six weeks from the date of receipt of a copy of this order."

6. With these directions, this writ petition is disposed of accordingly. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

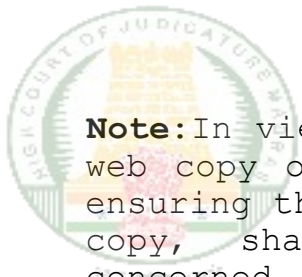
Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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.

WEB COPY

To

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The Commissioner of Geology and Mining,
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4. The Assistant Director of Geology and Mining,
Sivagangai District,
Sivagangai.
5. The Tahsildar,
Sivagangai District,
Sivagangai.

+1 CC to M/s.GP (SR-25061[F] dated 03/08/2021)

+1 CC to M/s.R.SENTHIL KUMAR, Advocate (SR-25219[F] dated
04/08/2021)

W.P. (MD) No.25514 of 2018
02.08.2021

RD(11.08.2021) 3P 8C