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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21-01-2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.9045 of 2016

And

WMP Nos.8029 and 8030 of 2016

A.P.Nandakumar

... Petitioner

vs.

1.The District Collector,
Vellore District.

2.The Revenue Divisional Officer,
Ranipet.

3.The Dy. Director of Geology and Mining,
Vellore.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records relating to the proceedings of the order in Na.Ka.A6/3612/2015 (Mines) dated 26.02.2016 of the second respondent and quash the same.

For Petitioner : Mr.R.Murali for
Mr.M.Suresh Kumar.

For Respondents: Mr.K.M.D.Muhilan,
Government Advocate.

O R D E R

The order passed by the second respondent-Original Authority in proceedings dated 26.02.2016, is under challenge in the present writ petition.

2. The order impugned is penalty on account of the allegations of illegal quarry.



3. It is brought to the notice of this Court that the order is of an appealable order under Section 36-C of the Tamil Nadu Mines and Minerals Concession Rules, 1959 [hereinafter referred to as the 'Rules', in short], the appeal and second appeal are provided and therefore, the petitioner has to exhaust the statutory remedy provided under the Rules.

4. The order impugned has been issued based on several allegations and therefore, exhausting the appellate remedy is of paramount importance. This apart, the petitioner also will get an opportunity to adjudicate the merits with reference to the documents and evidences and such an elaborate adjudication cannot be done in the writ proceedings under Article 226 of the Constitution and therefore, the petitioner has to exhaust the appellate remedy as contemplated under the Rule 36C of the Tamil Nadu Mines and Minerals Concession Rules.

5. Accordingly, the petitioner is at liberty to prefer an appeal before the Competent Appellate Authority, within a period of four weeks from the date of receipt of a copy of this order. In the event of preferring any such appeal, the Appellate Authority shall consider the period during which the writ petition was pending before the High Court for the purpose of condoning the delay and decide the issues by providing an opportunity to all the parties concerned on merits and in accordance with law.

6. With the abovesaid observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Svn
To

1.The District Collector,
Vellore District.

2.The Revenue Divisional Officer,
Ranipet.



3.The Dy. Director of Geology and Mining,
Vellore.

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+1cc to the Government pleader Sr.4325

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