



WEB COPY



W.P.No.2603 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.2603 of 2019

M.Pradeepa

... Petitioner

Vs.

1.Government of Tamil Nadu
Rep. by its Secretary,
Industries Department,
Chennai – 600 009.

2.The Director of Geology and Mining,
Guindy,
Chennai – 600 032.

3.The District Collector,
Theni District,
Theni.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records from the file of the third respondent in Proceedings No.Roc.281/Mines/2018 dated 28.09.2018 and quash the same and further direct the third respondent to pay the amount as claimed in the representation dated 05.09.2018 with interest at 24 percent per annum.



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For Petitioner : Mr.S.Thirumavalavan
For Respondents : Mr.U.Baranidaran
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records from the file of the third respondent in Proceedings No.Roc.281/Mines/2018 dated 28.09.2018 and to quash the same and further direct the third respondent to pay the amount as claimed in the representation dated 05.09.2018 with interest at 24 percent per annum.

2.The learned counsel appearing for the petitioner submitted that as against the impugned order, there is effective appeal remedy available to the petitioner before the Director of Geological Mining, Guindy. Hence, this Court, without going into the merits of the case, may grant liberty to the petitioner to exhaust the appeal remedy and issue direction to the appellate Authority to consider the same and pass appropriate orders within a reasonable time frame.

3.Considering the limited request now made by the learned counsel appearing for the petitioner, this Court, without expressing any



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opinion on the merits of the case, permits the petitioner to file appeal before the appellate Authority namely, Director of Geological Mining, Guindy, within a period of four weeks from the date of receipt of a copy of this order. If any such appeal is filed by the petitioner, the competent Authority shall consider the same and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks thereafter. The period during which the writ petition was pending before this Court is excluded for the purpose of limitation.

4.The writ petition is disposed of with the above observation. No costs.

28.03.2023

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Speaking Order/ Non Speaking Order
Index: Yes/ No Internet: Yes/ No

To

- 1.The Secretary,
Industries Department,
Chennai – 600 009.
- 2.The Director of Geology and Mining,
Guindy,
Chennai – 600 032.
- 3.The District Collector,
Theni District, Theni.

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M.DHANDAPANI,J.
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