



W.P.No.28407 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.28407 of 2023
and W.M.P.No.27956 of 2023

P.Murugan

... Petitioner

Vs.

1.The Commissioner
Department of Geology & Mining
Thiru Vi.Ka. Industrial Estate
Guindy
Chennai 600 032

2.The District Collector
Krishnagiri 635 115

3.M.J.Sankar

... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Prohibition, prohibiting the 1st respondent from proceeding with the alleged appeal under Rule 36(C) (2) of Tamil Nadu Minor Mineral Concession Rules, 1959 of the 3rd respondent dated 29.10.2022, as the same is wholly without jurisdiction.



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For Petitioner : Mr.Sharath Chandran

For Respondents : Mr.M.Bindran
Additional Govt. Pleader - R1 & R2

ORDER

The petitioner's brother enjoys a lease for quarrying certain Private land and the 3rd respondent herein alleges that the petitioner has encroached into his property, and the 3rd respondent has moved the District Collector. The District Collector vide his proceedings dated 27.09.2022 has passed an order holding that the dispute which the 3rd respondent has raised before him fall outside the purview of the Tamil Nadu Minor Mineral Concession Rules, 1959.

2.Learned counsel appearing for the petitioner submitted that the 3rd respondent has since preferred an appeal to the Commissioner of Geology & Mining, the petitioner merely seeks a direction to the 1st respondent to dispose of the appeal.

3.Mr.M.Bindran, the learned Additional Government Pleader has taken notice for the respondents 1 and 2.

4.The 1st respondent is now required to dispose of the appeal filed by the 3rd



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respondent and he is further directed to ascertain whether the dispute raised by the 3rd respondent will fall within the purview of Tamil Nadu Minor Mineral Concession Rules, 1959.

5.This writ petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

27.09.2023

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Index : yes / no
Neutral citation

To

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N.SESHASAYEE, J.



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