



WEB COPY



W.P.No.168 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.168 of 2020
And
W.M.P.No.205 of 2020**

M/s.Grow Group
Rep. by its Proprietor
J.Durai Babu

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by its Secretary to Government,
Industries Department,
Fort St.George,
Chennai 600 009.

2.The Deputy Secretary to Government,
Industries Department,
Fort St.George,
Chennai 600 009.

3.The Commissioner of Geology and Mining,
Guindy Industrial Park,
Guindy,
Chennai 600 032.

4.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

5.The Assistant Director of Geology and Mines,
District Collectorate,
Thiruvannamalai.

... Respondents



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Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the proceedings of the fourth respondent dated 10.06.2019 made in Rc.No.167/Kanimam/2018 and quash the same consequently direct the respondents to grant Blue Metal / Rough Stone quarry rights in Petitioner's Patta lands in Survey Nos.158/1B2, 158/1B3, 159/2C, 160, 161/2, 161/3, 162 and 164/A1 of Sholavaram Village, Vembakkam Taluk, Thiruvannamalai District based on their application dated 10.05.2011.

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

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the proceedings of the fourth respondent dated 10.06.2019 made in Rc.No.167/Kanimam/2018 and to quash the same and consequently direct the respondents to grant Blue Metal / Rough Stone quarry rights in Petitioner's Patta lands in Survey Nos.158/1B2, 158/1B3, 159/2C,



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160, 161/2, 161/3, 162 and 164/A1 of Sholavaram Village, Vembakkam Taluk, Thiruvannamalai District based on their application dated 10.05.2011.

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 competent 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 opinion on the merits of the case, permits the petitioner to file appeal before the 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



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excluded for the purpose of limitation.

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4.The writ petition is disposed of with the above observation. No costs. Consequently, the connected miscellaneous petition is closed.

16.03.2023

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

- 1.The Secretary to Government,
Industries Department,
Fort St.George,
Chennai 600 009.
- 2.The Deputy Secretary to Government,
Industries Department,
Fort St.George,
Chennai 600 009.
- 3.The Commissioner of Geology and Mining,
Guindy Industrial Park,
Guindy,
Chennai 600 032.
- 4.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
- 5.The Assistant Director of Geology and Mines,
District Collectorate,
Thiruvannamalai.

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M.DHANDAPANI,J.
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