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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.08.2023**

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRVARTHY**

W.A(MD)NO.62 OF 2022

R.Jayapandi :Appellant/Petitioner

.VS.

The District Collector,
The District Collector Office,
Theni. : Respondent/Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent
praying this Court to set aside the order passed by this Court in
W.P(MD)No.15188 of 2020, dated 03.11.2020.

For Appellant	:Mr.R.Jeya Pandi Party-in-person
For Respondent	:Mr.Veerakathiravan Additional Advocate General, assisted by Mr.P.Thilak Kumar, Government Pleader

JUDGMENT

[Judgment of the Court was made by **S.S.SUNDAR,J.**]

This Writ Appeal is directed against the order passed by the
learned Single Judge in W.P(MD)No.15188 of 2020, dated



03.11.2020.

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2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The Petitioner, filed a Writ Petition in W.P(MD)No.15188 of 2020, seeking issuance of a Writ of Certiorari to quash the impugned order passed by the District Collector, Theni, dated 07.01.2020 rejecting the application filed by the appellant for mining license. The Writ Petitioner applied for mining license in terms of Rule 19 of the Tamil Nadu Minor Mineral Concession Rules, 1959 in his patta land. Stating that the appellant has an effective alternative remedy by filing an appeal as against the impugned order,learned Single Judge dismissed the Writ Petition. The appellant was permitted to file a statutory appeal as prescribed under Rule 36-C(2) of the Tamil Nadu Minor Mineral Concession Rules, 1959 within a period of two weeks from the date of receipt of the copy of the order of the learned Single Judge, dated 03.11.2020. Aggrieved by the same, the appellant has preferred the above Writ Appeal on various grounds. Pending the Writ Appeal,the appellant has also filed a statutory appeal before the Director of Geology and Mining, Chennai as against the order of the District



Collector, Theni, refusing to grant mining permission to the appellant. Since the appellant has availed the alternative remedy of filing a statutory appeal, the learned Additional Advocate General appearing for the respondent submitted that the appellant may be permitted to pursue his statutory appeal, on merits and in accordance with law.

4.Mr.R.Jeyapandi, the appellant, who appeared in person submitted that he has filed the statutory appeal/application within time.

5.Though the appellant has not submitted the statutory appeal, as directed by the learned Single Judge, this Court is convinced that the appellant may be given sufficient time, in view of the pendency of this Writ Appeal before this Court. Therefore, the appeal filed by the appellant shall be disposed of by the appellate authority concerned, without insisting the period of limitation and this Court is treating the appeal filed by the appellant, in time. The appellate authority shall dispose of the appeal filed by the Petitioner within a period of four weeks from the date of receipt of a copy of this judgment, on merits.



6. With the above directions, the Writ Appeal stands disposed

of. No costs.

[S.S.S.R.,J.] [D.B.C.,J.]
30.08.2023

Index: Yes/No
Internet: Yes/No
NCC: Yes/No
vsn

To

The District Collector,
The District Collector Office,
Theni



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S.S.SUNDAR, J.

AND

D.BHARATHA CHAKRAVARTHY, J.

vsn

**JUDGMENT MADE IN
W.A(MD)NO.62 OF 2022**

30.08.2023