



WEB COPY



W.P.No.1116 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.1116 of 2024
and
W.M.P.No.1169 of 2024

R.Yogaraj

.. Petitioner

VS

1.The District Collector,
Fort Main Road,
Salem District - 636 001.

2.The Commissioner of Geology and Mining,
Department of Geology and Mining,
Guindy, Chennai - 600 032.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the 2nd respondent to pass final orders on the appeal preferred by the petitioner dated 01.02.2023 pending before the 2nd respondent within a time frame that may be fixed by this Court.

For Petitioner : Mr.Naveen Kumar Murthy
for Ms.S.Varsha

For Respondents : Mr.Stalin Abhimanyu
Additional Government Pleader



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ORDER

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Read this order in conjunction with and in continuation of order dated 18.01.2024 that reads as follows:-

"Mr.Vadivelu Deenadayalan, learned Additional Government Pleader accepts notice for the respondents and seeks some time to obtain instructions and file a counter.

2. The short prayer of the petitioner is for expeditious disposal of the appeal filed before R2 on 01.02.2023. Had it been restricted to that, the Writ Petition could have been disposed with appropriate directions, today. However, the petitioner also claims interim protection pending disposal of the appeal.

3. Rule 36 of the Tamil Nadu Minor Mineral Concession Rules, 1959 does not explicitly provide for grant of interim relief pending appeal. However, prima facie, the power to grant interim relief is incidental and ancillary to appeal/revisional powers.

4. Let instructions be obtained on this short point. List on 08.02.2024 at the end of admission list. Written instructions by then with an advance copy served upon the petitioner.

5. In the meantime, let the petitioner appear before R2 on 22.01.2024 at 10.30 a.m. without anticipating any further notice in this regard for hearing in the appeal itself."

2. Today, both learned counsel would confirm that appeal of the petitioner has itself been disposed on 06.02.2024. Hence the question of whether interim protection can be claimed pending disposal of the appeal filed under Rule 36C of the Tamil Nadu Minor



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Mineral and Concession Rules, 1959 does not arise in this case and may be agitated in an appropriate matter.

3. Since nothing further survives in this writ petition, the same is closed. Liberty is granted to the petitioner to challenge appeal order 06.02.2024 in a manner known to law. No costs. Connected miscellaneous petition is closed.

08.02.2024

Index:Yes/No
Neutral Citation:Yes
ssm

To

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DR. ANITA SUMANTH,J.

ssm

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