



WEB COPY

W.P.No.7239 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.7239 of 2024

Sri Kurinji Mines
Ref. By its Managing Partner,
M.Mohan,
D.No.:19, VOC Street, Kumarasamipettai
Dharmapuri Town
Dharmapuri – 636 703.

.. Petitioner

vs

1.The Principal Secretary
to the Government of Tamil Nadu
Department of Industries and Natural Resources,
Secretariat, Chennai – 600 009.

2.The Commissioner of Geology and Mining
Department of Geology and Mining,
Guindy, Chennai – 600 003.

3.The District Collector,
Namakkal District, Namakkal – 637 003.

4.The Assistant Director
Geology and Mining Department,
Collectorate, Namakkal.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the 1st respondent herein to consider and pass orders in accordance with law on the appeal dated 26.04.2023 and reminder dated 26.07.2023 of the petitioner, filed against the order passed by the 2nd respondent in his proceedings Rc.No.2326/MM-11/2022-2 dated 30.03.2023 within a stipulated time and pass such further or other orders as this Court may deemed fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr.R.Thamaraiselvan

For Respondents : Mr.Stalin Abhimanyu
Additional Government Pleader



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ORDER

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The prayer is for a mandamus directing the first respondent to consider and pass orders on appeal dated 26.04.2023 and reminder dated 26.07.2023 challenging order passed by R2 dated 30.03.2023.

2. In the counter filed by R2, the respondents state that the order dated 30.03.2023 is only a communication and not an order in terms of Section 10(3) of the Mines and Mineral (Development and Regulation) Act, 1957 and hence not an appealable order. As such, they would submit that no appeal is pending and, at best, the communications dated 26.04.2023 & 26.07.2023 would be treated as representations of the petitioner.

3. Be that as it may, a communication intimating the petitioner of the fate of the appeal / representations dated 26.04.2023 and 26.07.2023 have never been made and the petitioner has never been put to notice in this regard.

4. Let respondents indicate the fate of the aforesaid to the petitioner, such that necessary action may be taken by the petitioner as regards the same, in accordance with law.

5. Writ petition stands disposed in terms of this order. No costs.

04.07.2024

Index:Yes/No
Neutral Citation:Yes



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DR. ANITA SUMANTH,J.

ssm

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