



W.P.No.15140 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.15140 of 2024

and

W.M.P.No.16468 of 2024

Sri Venkateswara Higher Secondary School,
Government Aided School,
Represented by its Chairman/Secretary,
K.Eswarasamy
Kaniyur Village,
Madathukulam Taluk, Tirupur District.

.... Petitioner

Vs

1. The Commissioner,
Geology and Mining Operations,
Guindy, Chennai – 600 032.

2. The District Collector,
Tiruppur District.

3. The Revenue Divisional Officer,
Udumalaipettai,
Tiruppur District.

4. The Tahsildar,
Madathukulam Taluk,
Tirupur District.

5. N.Kadampuri

.... Respondents



W.P.No.15140 of 2024

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records order of the first respondent bearing Rc.No.8175/MM1/2023 dated 15.03.2024 and quash the same and remand the matter back to the first respondent and consequently direct the first respondent to consider the appeal by condoning the delay by affording sufficient opportunities and pass appropriate orders on merits within a time frame fixed by this Court.

For Petitioner : Mr.G.Ilamurugu

For R1 to R4 : Mr.E.Vedha Bagath Singh
Special Government Pleader

ORDER

This Writ Petition has been filed as against the order passed by the first respondent dated 15.03.2024, thereby dismissing the appeal filed by the petitioner as against the order passed by the second respondent dated 16.05.2023 on the ground of latches.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner filed an appeal as against the order passed



W.P.No.15140 of 2024

WEB COPY

by the second respondent dated 16.05.2023. On perusal of the order passed by the second respondent, it is clear that the order has been passed on 14.10.2022 and not on 16.05.2023. By calculating the limitation from 16.05.2023, the appeal was preferred on 12.06.2023 itself i.e., within a period of 30 days from the date of the order. However, in the order passed by the second respondent, they wrongly mentioned the date as 14.10.2022 and as such, the appeal was rejected on the ground of laches. However, the petitioner wrongly mentioned the date of order passed by the second respondent as 14.10.2022 and as such, once again he filed a memo and got back the appeal. Thereafter, he re-presented the appeal on 01.11.2023. Therefore, the Appellate Authority, viz., the first respondent, rejected the appeal on the ground that the appeal was not filed in time, i.e., within 30 days, as per Rule 36-C(2) of Tamil Nadu Minor Mineral Concession Rules, 1959. Therefore, due to inadvertence, the petitioner wrongly mentioned the date of order passed by the second respondent and as such there was delay, while re-presenting the appeal by correcting the date of the order.

4. Considering the facts and circumstances of the case, the



W.P.No.15140 of 2024

appeal is remanded back to the first respondent for fresh consideration.

The first respondent is directed to consider the appeal filed by the petitioner, after giving an opportunity of hearing to the petitioner, and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is disposed of.

Consequently, connected miscellaneous petition is closed. No costs.

19.06.2024

Internet : Yes
Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
Lpp

To

1. The Commissioner,
Geology and Mining Operations,
Guindy, Chennai – 600 032.

2. The District Collector,
Tiruppur District.

3. The Revenue Divisional Officer,
Udumalaipettai,



W.P.No.15140 of 2024

Tiruppur District.
WEB COPY

4. The Tahsildar,
Madathukulam Taluk,
Tirupur District.



WEB COPY



W.P.No.15140 of 2024

G.K.ILANTHIRAIYAN, J.

Lpp

W.P.No.15140 of 2024

19.06.2024