



WEB COPY

W.P.No.4167 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.02.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.4167 of 2024
and
W.M.P.No.4472 of 2024

R.Thilagavathi

.. Petitioner

VS

1.The Secretary to Government
Industries Department,
Fort St.George, Chennai – 600 009.

2.The District Collector,
Chengalpattu,
Chengalpattu District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records pertaining to the impugned order passed by the 2nd respondent in RC No.1817/2005/Q1 dated 26.05.2023 and quash the same and consequently direct the respondents to refund the said principal sum of Rs.1,60,00,000/- together with interest from August 2016 to till the date of repayment in respect of Stone Quarry bearing Quarry No.2, classified as Malaiporamboke, measuring 2-20-0 Hectares, comprised in Survey No.139, situated in Talakanancheri Village, Tambaram Taluk, Kancheepuram District.

For Petitioner : Mr.G.Asokapathy
for M/s.PASS Associates

For Respondents : Mr.E.Vijay Anand
Additional Government Pleader



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ORDER

Read this order in continuation of and in conjunction with order dated 21.02.2024 that reads as follows:-

"Mr.E.Vijay Anand, learned Additional Government Pleader accepts notice for the respondents and raises a preliminary defence that impugned order dated 26.05.2023 is amenable to appeal in terms of Rule 36-C(2) of the Tamil Nadu Minor Mineral Concession Rules, 1959. That Rule stipulates a time frame of 30 days from date of receipt of the impugned order to file an appeal.

2. Admittedly, the time frame has long gone as the impugned order is dated 26.05.2023. However, learned counsel for the respondents would not have serious objection if the petitioner were to file an appeal within a time frame to be fixed by this Court.

3. Hence, the request of the petitioner to file an appeal within a period of one (1) week from today is accepted.

4. List this matter on 29.02.2024 at the end of admission list for confirmation of filing of appeal."

2. Learned counsel for the petitioner confirms by way of memo dated 27.02.2024, that the petitioner has filed appeal before the appellate authority, the Commissioner of Geology and Mining, Chennai on 27.02.2024.

3. Thus, there is a direction to the appellate authority to dispose the appeal now filed as well as the appeal already filed by



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petitioner challenging the penalty order as early as 21.01.2011, within a period of eight weeks from date of receipt of a copy of this order, after hearing the petitioner and in accordance with law.

4. This writ petition stands disposed in terms of this order.

No costs. Connected miscellaneous petition is closed.

29.02.2024

Index:Yes/No
Neutral Citation:Yes
ssm

To

- 1.The Secretary to Government
Industries Department,
Fort St.George, Chennai – 600 009.
- 2.The District Collector,
Chengalpattu,
Chengalpattu District.



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DR. ANITA SUMANTH,J.

ssm

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