



WEB COPY

W.P.No.36253 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.36253 of 2023
and
W.M.P.No.36250 of 2023

K.Jhansi

.. Petitioner

VS

- 1.The District Collector,
Collectorate, Thiruvallur District,
Thiruvallur.
- 2.The Revenue Divisional Officer,
Tiruthani, Thiruvallur District.
- 3.The Revenue Tahsildar,
Pallipet Taluk, Thiruvallur District.
- 4.The Deputy Director,
Geology and Mines,
Collectorate Office,
Thiruvallur.
- 5.The Block Development Officer
(Village Panchayat),
Pallipet Panchayat Union,
Pallipet, Thiruvallur District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records relating to the impugned order dated 01.12.2023 made in R.C.No.42041/2023/D3 passed by 1st respondent, quash the same and consequently forbear the respondents from proceeding to implement the order dated 15.05.2023 made in Na.Ka.No.1456/2022/A1 passed by the 2nd respondent, pending



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statutory appeal dated 24.07.2023 filed under Rule 36C of the TN Minor Mineral Concession Act, 1959.

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For Petitioner : Mr.P.Krishnan

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

ORDER

W.M.P.No.4217 of 2024 is ordered and writ petition is listed under a special list today.

2. The appeal of the petitioner filed in terms of Section 36C of the Tamil Nadu Minor Minerals and Concession Rules, 1959 is pending before the District Collector, Thiruvallur / R1. It has been filed on 24.07.2023 and is accompanied by a petition seeking stay of order dated 15.05.2023 as well.

3. Mr.E.Vijay Anand, who appears for the official respondents, would confirm pendency of the appeal & stay application till date.

4. Since the petitioner states that it is facing coercive action, there is a direction to R1 to dispose the stay application within a period of one week from today after hearing the petitioner. For this purpose, petitioner is permitted to appear before the District Collector, Thiruvallur on any date between 19th and 23rd of February, 2024 between 10.30 a.m and 5.30 p.m. R1 / District Collector, shall grant him audience and shall decide the stay



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application, in accordance with law.

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5. To be noted that Rule 36C of the Tamil Nadu Minor Minerals and Concession Rules, 1959 does not specifically provide for filing of petition seeking interim protection. However, and Mr.Vijay Anand would agree, the powers of the appellate authority would extend to the grant of interim protection as the same is incidental and auxiliary to appellate powers.

6. This writ petition stands disposed in terms of this order.
No costs. Connected miscellaneous petition is closed.

16.02.2024

Index:Yes/No
Neutral Citation:Yes
ssm

To

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- 3.The Revenue Tahsildar,
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DR. ANITA SUMANTH,J.

ssm

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