



WEB COPY



W.P.No.9317 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **P.DHANABAL**

W.P.No.9317 of 2021

and

W.M.P.Nos. 9888 & 9889 of 2021 in W.P.No. 9317 of 2021

M/s. Alpha Silica
Rep. By Managing Director,
Aravindh Muthusamy,
S.F.No. 351/6, Puravipalayam Village,
Pollachi Taluk, Coimbatore District.

... Petitioner

Vs.

- 1.The Commissioner of Geology & Mining,
Guindy, Chennai – 600 032.
- 2.The Assistant Director Geology & Mining,
Collectorate Buildings, Coimbatore.
- 3.The District Collector,
Coimbatore District at Coimbatore.

- 4.Kaniasarasu
- 5.Dharmaraj T

... Respondents

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Certiorarified Mandamus to call for the
records relating to the order of the 1st respondent made in Proceedings
in Rc.No.4906/MM1/2020 dated 18.03.2021 and



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Na.Ka.2206/MM1/2020 dated 18.03.2021 and to quash the same and to consequently direct the respondents 1 to 3 to forthwith permit the petitioner to perform quarrying operations and for transportation of the minerals.

For Petitioner : Mr.B.Sasidaran
for Mr.L.Chandrakumar

For Respondents : Mr.P.S.Raman
Advocate General
assisted by
Mr.T.K.Saravanan,
Additional Government Pleader
for R1 to R3
Mr.N.Umapathi for R5

ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

Mr.B.Sasidaran, learned counsel representing Mr.L.Chandrakumar, learned counsel on record for writ petitioner is before us on the VC (Video Conferencing) platform. Mr.P.S.Raman, learned Advocate General instructed by Mr.T.K.Saravanan, learned Additional Government Pleader for official respondents/ R1 to R3 and Mr.N.Umapathi, learned counsel for private respondent/R5 are before us in physical Court. To be noted, this is a hybrid hearing, which is a regular/routine/daily feature in this Court.



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2. Mr.N.Umapathi, learned counsel for R5 submits that R4 [Mr.Kaniasasu, S/o.(late) Kalimuthu Gounder) is no more but no steps have been taken to bring on record legal heirs of R4. We make it clear that all the rights and contentions of legal heirs of R4, if any, will stand preserved and will not be impacted by this order.

3. In the captioned matter, an 'order dated 18.03.2021 bearing reference Rc.No.4906/MM1/2020 and an order bearing reference Na.Ka.2206/MM1/2020 dated 18.03.2021, both made by R1 [Commissioner of Geology & Mining, Guindy, Chennai – 600 032]' {hereinafter 'impugned orders' for the sake of brevity, convenience and clarity} have been assailed. There is no disputation or contestation before this Court that an effective and efficacious alternate remedy by way of appeal to the State Government is available qua impugned orders. This makes the task of giving a closure to the legal drill at hand fairly simple and therefore, we refrain from delving any further into the matter.

4. However, for completion of facts, we deem it appropriate to



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record that appeal is under Rule 36-C(3) of 'The Tamil Nadu Minor Mineral Concession Rules, 1959' (hereinafter 'said Rules' for the sake of convenience and clarity). As regards State Government, the same stands defined vide sub-rule (11) of Rule 2 of said Rules, which reads as follows:

'2. Definitions:- In these rules, unless the context otherwise requires :- (1)

(2)

(3)

(3-A).....

(4).....

(5).....

(5-A).....

(a)

(b)

(c)

(5-B).....

(6).....

(7).....

(8).....

(9).....

(10).....

(11) State and State Government respectively means the State of Tamil Nadu and Government of Tamil Nadu.'



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5. Impugned orders have been made by the Commissioner of Geology and Mining and in this regard, sub-rule (4) of Rule 2 of said rules is of relevance and the same reads as follows:

'2. Definitions:- In these rules, unless the context otherwise requires :- (1)

(2)

(3)

(3-A).....

(4) Director of Geology and Mining' shall include Commissioner of Geology and Mining'

6. Learned counsel for writ petitioner very fairly submits that the writ petitioner will avail alternate remedy. This submission is recorded.

7. This Court without expressing any view or opinion on the merits of the matter i.e., qua challenge to impugned orders relegate the writ petitioner to alternate remedy subject to limitation. As regards limitation, it is open to the writ petitioner to seek exclusion of time spent in this Court by referring to Section 14 of the Limitation Act, 1963 and the same shall be considered by the Appellate Authority on its own merits and in accordance with law.

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8. Captioned WP is disposed of by way of aforementioned simple order. Consequently, captioned Writ Miscellaneous Petitions (WMPs) thereat are disposed of as closed. There shall be no order as to costs.

(M.S, J.) (P.D.B, J.)
09.06.2025

Index : Yes / No
Neutral Citation : Yes / No
mmi

To

- 1.The Commissioner of Geology & Mining,
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**M.SUNDAR, J.,
and
P.DHANABAL, J.,**

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