



W.P(MD)No.1533 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P(MD)No.1533 of 2025

D.Muthuramalingam

... Petitioner

vs.

1.The District Collector,
Tuticorin District,
Tuticorin.

2.The Assistant Director of Geology and Mines,
Collectorate, Tuticorin,
Tuticorin District.

3.The Tahsildar,
Eral Taluk,
Tuticorin District.

4.S.Mahesh

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to impugned order of the second respondent vide Na.Ka.No.G.M. 1/770/2019 dated 22.11.2024 and quash the same as illegal and consequently

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direct the second respondent not to grant permission to set up a quarry in and around Sivakalai Archeological zone.

For Petitioner	: Mr.C.Masilamani
For RR 1 to 3	: Mr.J.Ashok Additional Government Pleader
For R – 4	: Mr.M.Mahaboob Fazil for M/s.Roy and Roy Associates

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM, J.)

The license granted for mining operations in favour of the fourth respondent is under challenge in the present writ proceedings.

2.The learned counsel for the petitioner would submit that the subject land is an archeological site and therefore license ought not to have been granted by the Assistant Director of Geology and Mines in favour of the fourth respondent.



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3.The learned Additional Government Pleader for the respondents 1 to 3 submitted a copy of the proceedings dated 12.12.2024, issued by the Assistant Director of Geology and Mines, Tuticorin stating that the said area has already been notified as an archeological site and therefore, the license granted has been suspended. As of now, no mining operations are being carried out.

4.Under these circumstances, if the fourth respondent is aggrieved from and out of the order passed by the Assistant Director, he is at liberty to approach the competent Appellate Authority in the manner contemplated under the Act and Rules. However, it is made clear that until a final decision is taken by the competent Authorities or Appellate Authority, no mining operation shall be permitted and the authorities are directed to ensure that the subject land is protected from any mining activities.

5.At this juncture, the learned counsel for the fourth respondent would submit that an outer time limit should be fixed for the disposal of the Appeal. However, the fact remains that no appeal is pending before the District Collector as on today. That apart, the High Court, in the exercise of its powers of



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judicial review, need not direct the Appellate Authority to dispose of the appeal by fixing an outer time limit. The workload of the competent authority must be taken into consideration. If such a blanket direction is issued, the authorities may not be in a position to dispose of the same within the stipulated time.

6.In this context, the Constitution Bench of the Hon'ble Supreme Court of India in the case of ***High Court Bar Association, Allahabad Vs. State of Uttar Pradesh and others [2024 (6) SCC 267]***, held as follows:

“47.3. Constitutional courts, in the ordinary course, should refrain from fixing a time-bound schedule for the disposal of cases pending before any other courts. Constitutional courts may issue directions for the time-bound disposal of cases only in exceptional circumstances. The issue of prioritising the disposal of cases should be best left to the decision of the courts concerned where the cases are pending.”

7.Therefore, the High Court, without ascertaining the workload of the subordinate Courts, original authority or appellate authority, cannot issue a direction fixing a timeline for the disposal of the matters.



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8.With these observations, this Writ Petition stands disposed of.

There shall be no order as to costs.

[S.M.S.,J.] & [A.D.M.C.,J.]
02.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps

To

- 1.The District Collector,
Tuticorin District,
Tuticorin.
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and
DR.A.D.MARIA CLETE, J.

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