



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2011

C O R A M

THE HONOURABLE MR.JUSTICE T.RAJA

**W.P.(MD)No.12313 of 2011 & M.P(MD)No.1 of 2011**

J.Jeyalakshmi

... Petitioner

Vs.

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

... Respondent

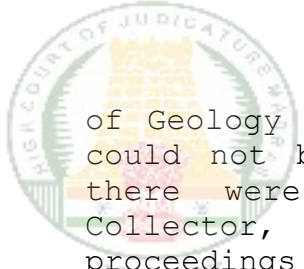
**Prayer:** Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondent herein to hear and dispose of the Second Appeal preferred by the petitioner against the order of the Commissioner of Geology and Mining, Chennai-600 032 passed in proceedings Rc.No.9001/MM5/2006 dated 15.02.2011 with reference to the stone quarry in S.F.No.106 admeasuring 1.62.5 Hectares in Chathiramkondan Village, Sankarankoil Taluk, Tirunelveli District on merits and in accordance with law within the time stipulated.

For Petitioner	:Mr.V.Sanjeevi
For Respondent	:Mr.M.Alagudevan
	Spl. Government Pleader

**O R D E R**

The petitioner has come to this Court seeking a Writ of Mandamus to direct the respondent herein to hear and dispose of the Second Appeal preferred by the petitioner against the order of the Commissioner of Geology and Mining, Chennai-600 032 passed in proceedings Rc.No.9001/MM5/2006 dated 15.02.2011 with reference to the stone quarry in S.F.No.106 admeasuring 1.62.5 Hectares in Chathiramkondan Village, Sankarankoil Taluk, Tirunelveli District.

2.The learned Counsel for the petitioner submits that the District Collector, Tirunelveli notified the poromboke land bearing S.F.No.106 admeasuring 1.62.5 Hectares in Chathiramkondan Village, Sankarankoil Taluk, Tirunelveli District for grant of lease for quarrying stones for a period of five years to the successful bidder. In response to the said notification, the petitioner participated in the tender-cum-auction held on 06.10.2005 for affording Rs.4,70,000/- (Rupees Four Lakhs Seventy Thousand only) as one time lease amount. Subsequently, she also declared as the successful bidder and consequently, she remitted the entire bid amount as directed by the District Collector, Tirunelveli. Thereafter, the District Collector by his proceedings dated 20.10.2005 also confirmed the petitioner's bid in her favour and thereupon, informed the petitioner to pay 10% of the security deposit namely Rs.47,000/- (Rupees Forty Seven Thousand only) in the shape of National Savings Certificate and also to execute the lease deed in Non-Judicial Stamp papers to the value of Rs.5,200/- (Rupees Five Thousand Two Hundred only) within a period of one month from the date of receipt of the order. After purchasing the non-judicial stamp paper to the said value of Rs.5,200/- (Rupees Five Thousand Two Hundred only) submitting the same to the Assistant Director, Department



of Geology and Mining for the execution of proper lease deed but the same could not be done as she became unwell due to jaundice. Subsequently, there were correspondences between the petitioner and the District Collector, Tirunelveli, but the District Collector, Tirunelveli by his proceedings dated 05.08.2006 cancelled the confirming order and also forfeited the one time lease amount of Rs.4,70,000/- (Rupees Four Lakhs Seventy Thousand only).

3. Aggrieved by the said order, she preferred the statutory first appeal under Section 36(C)(2) of the Tamil Nadu Minor Mineral Concession Rules, 1959 before the Commissioner of Geology and Mining, Chennai-600 032 and the same was dismissed on 15.02.2011 confirming the order of the District Collector, Tirunelveli.

4. As against the order of dismissal of the first appeal by the Commissioner of Geology and Mining, Chennai-600 032, the petitioner preferred the statutory second appeal before the respondent herein. Till date, the respondent has not disposed of the said Second Appeal. Therefore, the petitioner filed this writ petition.

5. The learned Special Government Pleader, takes notice on behalf of the respondent.

6. Since, the prayer sought for in this writ petition is limited, this Court, taking note of the fact that the second appeal is statutory appeal, directs the respondent herein to consider the Second Appeal of the petitioner and dispose of the same within a period of six weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-  
Assistant Registrar (Records)

/True copy/

Sub Assistant Registrar (C.S)

To,

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

+1. CC to the Special Government Pleader, SR.No. 37350

gsr

**W.P. (MD) No. 12313 of 2011**  
**31.10.2011**

**TR :28.11.2011: 2p/3c**