

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.10426 of 2015

Anthoni Samy

... Petitioner

Vs.

1. The Commissioner of Geology and Mining,
Thiru V.Ka.Industrial Estate,
Guindy,
Chennai- 600 032.
2. The District Collector,
Ariyalur District,
Ariyalur.
3. The Revenue Divisional Officer,
Udaiyarpalayam,
Ariyalur District.
4. The Assistant Director of Geology and Mining,
Ariyalur District, Ariyalur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue writ of certiorarified mandamus to call for the records relating to proceedings of the third respondent vide his proceedings Na.Ka.A3/3563/2014, dated 08.10.2014, and quash the same and consequently direct the fourth respondent to release bullock cart of the petitioner forthwith.

For Petitioner :Mr.T.Muruganantham

For Respondents :Mr.T.N.Rajagopalan, Spl.GP

ORDER

The present writ petition is directed against the proceedings dated 08.10.2014 passed by the third respondent / the

Revenue Divisional Officer, Ariyalur District, in and by which, the petitioner was directed to pay a fine of Rs.25,130/- as fine.

2. Heard the learned counsel appearing on either side.

3. It is the claim of the petitioner that while the petitioner was carrying waste materials in his Bullock cart on 13.10.2014, the Inspector of Police, Andimadam Police Station, Ariyalur District, seized the said Bullock cart, as if it is carrying the sand from the river illegally. Thereafter, the Inspector of Police submitted his report to the Tahsildar, who, in turn, placed the papers before the third respondent to initiate proceeding under the Mines and Minerals Act. However, the third respondent, without issuing any notice to the petitioner, passed the impugned order directing the petitioner to pay a fine of Rs.25,130/- for illegal sand mining.

4. In these circumstances, though the learned Special Government Pleader appearing for the respondents stated that he wants to file a counter affidavit, considering the nature of the claim made by the petitioner, this Court deems fit to direct the petitioner to treat the said impugned order as notice. Accordingly, the petitioner is directed to treat this impugned order as notice and thereupon to submit his explanation within a period of ten (10) days from the date of receipt of a copy of this order. On receipt of such explanation, the third respondent is directed to dispose of the same within one week thereafter.

5. With the above direction, the writ petition stands disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

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सत्यमेव जयते
Sub Assistant Registrar

rkm

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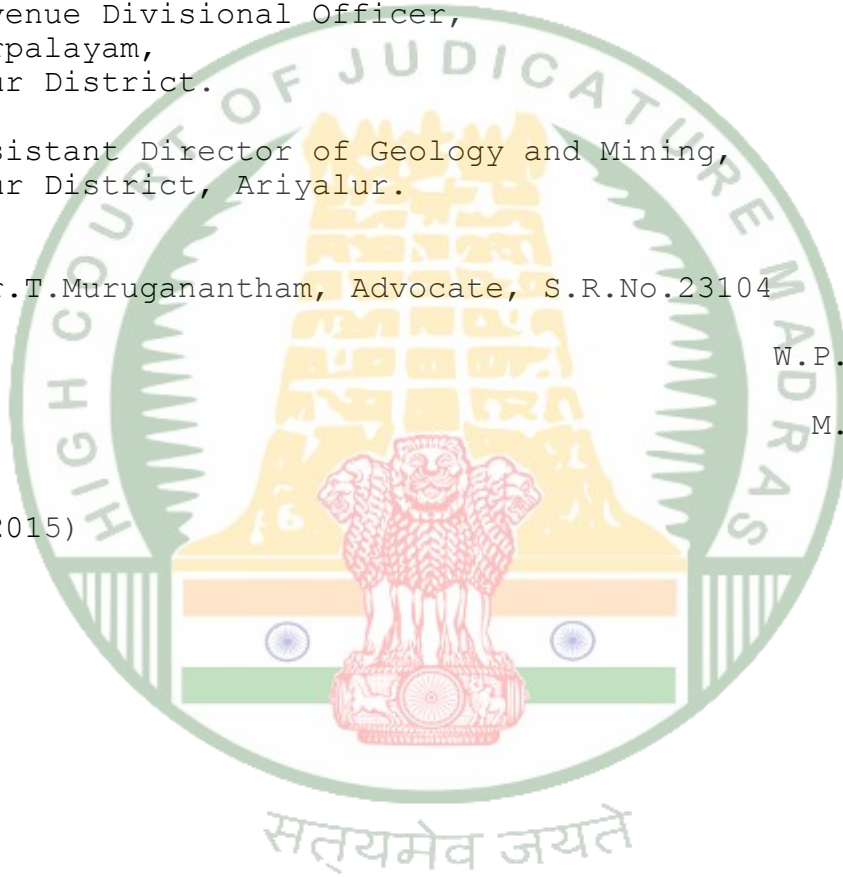
To

1. The Commissioner of Geology and Mining,
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Chennai- 600 032.
2. The District Collector,
Ariyalur District,
Ariyalur.
3. The Revenue Divisional Officer,
Udaiyarpalayam,
Ariyalur District.
4. The Assistant Director of Geology and Mining,
Ariyalur District, Ariyalur.

+1cc to Mr.T.Muruganantham, Advocate, S.R.No.23104

W.P.No.10426 of 2015
and
M.P.No.1 of 2015

MSM(CO)
CA(28/04/2015)



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