

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2015

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.3079 of 2015
and M.P.Nos.1 and 2 of 2015

Anthoni Joseph

.. Petitioner

Vs.

1. The Commissioner of Geology and Mining,
Thiru Vi.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

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a 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 consequently to direct the fourth respondent to release bullock cart of the petitioner forthwith.

For Petitioner : Mr.T.Muruganantham

For Respondents : Mr.T.N.Rajagopalan, Spl.G.P.

ORDER

Heard Mr.T.Muruganantham, learned counsel appearing for the petitioner and Mr.T.N.Rajagopalan, learned Special Government Pleader, who took notice for the respondents. With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner challenges the order passed by the third respondent dated 08.10.2014, by which the petitioner has been directed to pay a sum of Rs.25,130/- on the ground that he has transported illegally quarried sand. Apart from the petitioner, there are 10 others who have been directed to pay similar fine for having alleged to have committed such an offence. However, this Writ Petition is confined only to the writ petitioner Anthoni Joseph.

3. The learned counsel for the petitioner submitted that the third respondent has passed the impugned order, without affording an opportunity of hearing to the petitioner and therefore, it is in violation of the principles of natural justice.

4. Heard the learned Special Government Pleader on the above submission.

5. On a perusal of the impugned proceedings, it is seen that the third respondent has not afforded an opportunity of personal hearing to the petitioner. Therefore, the impugned order is held to be in violation of the principles of natural justice. Accordingly, the petitioner is directed to treat the impugned proceedings as show cause notice and he shall submit his objections within a period of one week from the date of receipt of a copy of this order. On receipt of the objections, the Authority shall consider the same and pass a reasoned order on merits and in accordance with law, within a period of one week thereafter and if the Authority is of the opinion that the petitioner has committed an offence, he shall also decide on the proportionate penalty taking note of the fact that the petitioner's bullock cart and bullock had been seized.

6. This Writ Petition is accordingly disposed of. No costs. The Miscellaneous Petitions are closed.

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-s/d-

Assistant Registrar(LA)

Dt:16/2/2015

True Copy

Sub-Assistant Registrar

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To

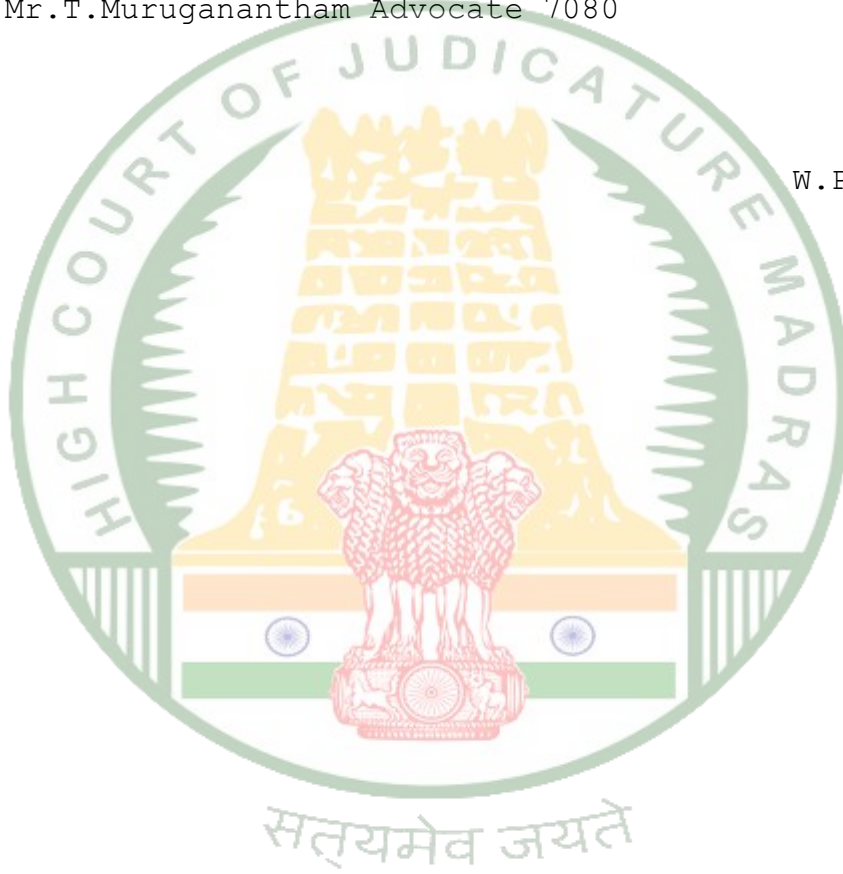
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+ 1 cc to Mr.T.Muruganantham Advocate 7080

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W.P.No.3079 of 2015



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