



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2015

CORAM :

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition (MD) No.204 of 2015

WEB COPY

A.Karuppanan

... Petitioner

Vs.

- 1.State of Tamil Nadu
represented by the
Additional Secretary to Government,
Industries (MMC1) Department,
Secretariat, Chennai - 600 009.
- 2.The Commissioner of Geology and Mining,
Guindy, Chennai 600 032.
- 3.The District Collector,
Trichy (w.e) '
- 4.The Assistant Director,
Geology and Mining,
Tiruchirappalli.

... Respondents

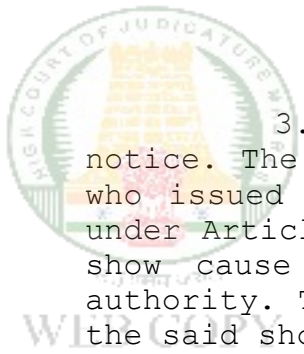
Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned letter no.1523/MMC.1/2014-4 dated 10.9.2014 on the file of the 1st respondent in inconsequential void and illegal and further directing the respondents to refund a sum of Rs.8,10,000/- being the proportionate lease amount for the unexpired period of lease and Rs.1,20,000/- being the entire security deposit (totally Rs.9,30,000/-) to the petitioner with 12% interest from 1.1.2014 till payment and also pay a sum of Rs.10,00,000/- towards compensation for illegal termination of the lease.

For Petitioner : Mr.T.V.Sivakumar
For Respondents : Mr.K.P.Krishnadoss,
Government Advocate.

ORDER

Heard the learned counsel appearing for the petitioner and Mr.K.P.Krishnadoss, learned Government Advocate who takes notice on behalf of the respondents. By consent, the writ petition itself is taken up for final disposal at the admission stage.

2.The petitioner is aggrieved against the show cause notice dated 10.09.2014 issued by the first respondent. Consequently, the petitioner seeks for a direction to the respondents to refund a sum of Rs.8,10,000/- being the proportionate lease amount for the unexpired period of lease and Rs.1,20,000/- being the entire security deposit with interest and also to pay a sum of Rs.10 lakhs towards compensation for illegal termination of lease.



3. First of all, the impugned proceedings is only a show cause notice. The petitioner is not questioning the competency of the authority who issued the notice. Therefore, this Court by exercising jurisdiction under Article 226 of the Constitution of India cannot interfere with such show cause notice so long as the same was issued by the competent authority. Therefore, it is for the petitioner to give his explanation to the said show cause notice.

4. Learned counsel appearing for the petitioner submitted that apart from giving explanation to the show cause notice on 29.09.2014, the petitioner has also sent a notice on 05.07.2014 to the third respondent seeking for refund of the amount and therefore, the petitioner is interested in getting the amount rather than continuing the lease. This Court is not inclined to go into such contentions raised by the petitioner at this stage as it is for the first respondent to consider such claim made by the petitioner while disposing of the proceedings initiated in pursuant to the impugned show cause. Needless to mention that the first respondent shall consider the explanation given by the petitioner on 29.09.2014 as well as his request made through notice dated 05.07.2014 addressed to the third respondent and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above observation and direction, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

1. The Additional Secretary to Government,
Industries (MMC1) Department,
Secretariat, Chennai - 600 009.

2. The Commissioner of Geology and Mining,
Guindy, Chennai 600 032.

3. The District Collector, Trichy.

4. The Assistant Director,
Geology and Mining, Tiruchirappalli.

+1cc to M/S.H.LAKSHMI SHANKAR, ADVOCATE IN SR : 834
+1CC TO THE SPECIAL GOVERNMENT PLEADER, IN SR : 987

Sms

SR : 29.01.2015 : 2p/7c

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