



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD)No.13057 of 2013
and M.P. (MD) No.2 of 2013

V.Balu

... Petitioner

Vs.

1.District Collector,
Thoothukudi District.
2.The Revenue Divisional Officer,
Thoothukudi District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records relating to the proceedings of the impugned publication dated 19.06.2013 published in Daily Thanthi News Paper on the file of the 1st Respondent in so far as this Petitioner (Serial No.10) is concern and to quash the same.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.V.Muruganantham

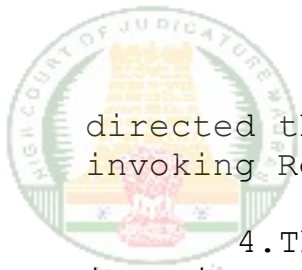
Additional Government Pleader

O R D E R

The writ petitioner challenges the notification issued by the first respondent informing the petitioner to pay the penalty amount imposed under the Minor Mineral Concession Rules, 1959, in absence proceedings will be initiated under the Revenue Recovery Act, 1890.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

3.The second respondent Revenue Divisional Officer, Thoothukudi filed a counter stating that the petitioner involved in illegal mining and a Show Cause Notice was issued to the petitioner in Roc.No.B2/962/99, dated 29.08.2000 and 25.10.2000. After giving due opportunity to the petitioner, final order was passed levying a sum of Rs.26,05,698/- being the cost of the sand, seigniorage fee and penalty of five times of sand cost. Subsequently, since the amount was not paid, the 1st respondent



directed the Tahsildar, Srivaikuntam to collect the said amount by invoking Revenue Recovery Act, 1890.

4.The grievance of the petitioner is that the order imposing penalty has not been served upon him.

WEB COPY

5.I have perused the records regarding the said proceedings. There is no acknowledgement available to show that notice has been served on the petitioner.

6.In the above circumstances, the second respondent is directed to furnish copy of the order imposing penalty to the petitioner within two weeks from the date of receipt of a copy of this order. On receipt of the same, the petitioner is at liberty to challenge the same in accordance with law within two weeks therefrom.

7.This Writ Petition is dismissed with the above direction and observation. No Costs. Consequently, connected M.P.(MD) No.2 of 2013 is also dismissed.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

1.District Collector,
Thoothukudi District.

2.The Revenue Divisional Officer,
Thoothukudi District.

+1 CC to Mr.G.PRABHU RAJADURAI, Advocate, SR No.58420

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.58268

W.P(MD)No.13057 of 2013
and M.P.(MD) No.2 of 2013
03.10.2016

sj

SH/EM-MPA:19.10.2016:2P/5C