



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2017

CORAM:

WEB COPY

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU**W.P.(MD)No.18100 of 2015 and  
M.P.(MD)Nos.1 and 2 of 2015

N.Samikannu

... Petitioner

**-Vs-**1. The Revenue Divisional Officer,  
Illuppur, Pudukottai District.2. The Tahsildar,  
Illuppur, Pudukottai District.3. The Inspector of Police,  
Viralimalai Police Station,  
Pudukottai District.

... Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent in his proceedings in Na.Ka.A1/05/2014 dated 18.09.2015 and quash the same as of no legal consequence and direct the first respondent to forbear from making any collections of the amounts mentioned in the notice impugned in this writ petition.

For Petitioner : Mr.V.Singan

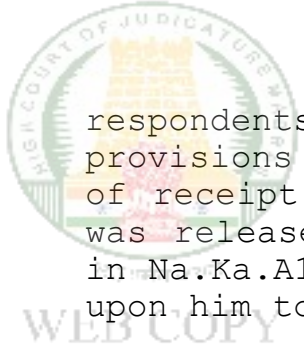
For Respondents : Mr.T.R.Janardhanan

Additional Government Pleader

**ORDER**

The Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent in his proceedings in Na.Ka.A1/05/2014, dated 18.09.2015 and quash the same and direct the first respondent to forbear from making any collections of the amounts mentioned in the notice impugned in this writ petition.

2. The petitioner would among other things aver that the petitioner is the owner of the vehicle bearing Registration No.TAA 1355. As the petitioner did not possess any valid permit for quarrying, the vehicle was seized. Hence, the petitioner has filed a W.P.(MD) No. 20227 of 2013 before this Court for the purpose of release of the vehicle by the third respondent. The said writ petition was disposed of by this Court with a direction to the



respondents to initiate proceedings, if there is any violation of provisions of the Act, within a period of three months from the date of receipt of a copy of the order and based on which, the vehicle was released. Now, the first respondent has issued the proceedings in Na.Ka.A1/05/2014, dated 18.09.2015 against the petitioner calling upon him to pay a sum of Rs.17,590/-.

3. The learned counsel for the petitioner would submit that no enquiry was conducted before passing of such an order.

4. The learned Additional Government Pleader appearing for the respondents would submit that the first respondent is willing to conduct a fresh enquiry after due notice to the petitioner.

5. On perusal of the records, the impugned order does not reflect any notice to the petitioner nor any enquiry conducted and such an order has been passed behind his back.

6. In view of the above, this Court is inclined to set aside the order impugned herein and accordingly, the impugned order in Na.Ka.A1/05/2014, dated 18.09.2015 is set aside with liberty to the first respondent to proceed afresh, by giving due opportunity to the petitioner and pass orders within a period of two months from the date of receipt of a copy of this order.

7. With the above direction, the writ petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

**To**

1. The Revenue Divisional Officer,  
Illuppur, Pudukottai District.
2. The Tahsildar,  
Illuppur, Pudukottai District.
3. The Inspector of Police,  
Viralimalai Police Station,  
Pudukottai District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 60179

AKV

TE/KKR/SAR-IV : 10/07/2017 : 2P/5C

<https://hcservices.ecourts.gov.in/hcservices/>

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M.P.(MD)Nos.1 and 2 of 2015  
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