



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 27.07.2017
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WEB COPY

W.P(MD) No.23665 of 2016 and
W.M.P.(MD) Nos.16993 and 16994 of 2016

R.Murugavel Raj

... Petitioner

-vs-

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Revenue Divisional Officer,
Tenkasi,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the entire records pertaining to the proceedings of the 2nd respondent made in A3/5968/2008 dated 17.11.2016 and quash the same.

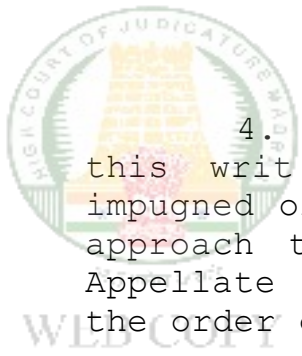
For Petitioner : Mr.R.Anand
For Respondents : Mr.S.Kumar
Addl. Govt. Pleader

ORDER

This Writ Petition has been filed, seeking to quash the impugned order of the 2nd respondent dated 17.11.2016 passed in A3/5968/2008, by which, the petitioner was directed to pay penalty to the tune of Rs.7,84,924/- on the allegation that the petitioner quarried on the non leasing area.

2. The case of the petitioner is that his brother by name Jeyaraj is the exclusive owner of the property, in which the petitioner was conducting quarrying operation after getting necessary approval from the 1st respondent, on the land of his brother in the capacity as lessee. All of a sudden, the impugned order came to be passed, calling upon the petitioner to pay a sum of Rs.7,84,924/- as penalty, alleging that the petitioner has quarried in the non-leasing area. Hence, the petitioner is before this Court seeking to quash the same.

3. Heard the learned Senior Counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.



4. Learned counsel for the petitioner has submitted that in this writ petition, though the petitioner has challenged the impugned order imposing penalty on the petitioner, he now wants to approach the first respondent / District Collector, who is the Appellate Authority in this case by way of appeal, to challenge the order of the second respondent.

5. In view of the above submission, this writ petition is disposed of, permitting the petitioner to file an appeal before the first respondent within a period of two weeks from the date of receipt of a copy of this order and if any such appeal being filed, the same shall be entertained without raising any objection with regard to limitation and proceed in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(C.S.)

To:

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Revenue Divisional Officer,
Tenkasi,
Tirunelveli District.

+1cc to M/S.R.ANAND, Advocate SR.No.68768

+1cc to Special Government Pleader, SR.No.69015

ar/rm

MAS/KK/SAR2:02.08.2017:2P-5C

W.P(MD) No.23665 of 2016
27.07.2017