



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.A. (MD) No.1636 of 2011

and

M.P. (MD) No.1 of 2011

K.Dharmendiran

... Petitioner

-vs-

1.The District Collector,
Madurai District,
Madurai.

2.The Deputy Director of Geology and Mining,
Madurai Collectorate campus ,
Madurai.

3.The Revenue Divisional Officer,
Madurai District,
Madurai.

4.The Assistant Geologist, (Mines)
Madurai District,
Madurai.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letter Patent Act, to set aside the order dated 08.12.2011 made in W.P.No.13971 of 2011 on the file of this Court.

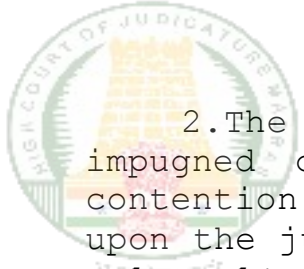
Prayer in WP(MD). 13971/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Ceriorari, calling for the records pertaining to the notice made in Rc.No.731/2011/Mines, dated 11.11.2011 issued by the 1st respondent and quash the same.

For Petitioner : Mr.D.Sadiq Raja
For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader
O R D E R

[Order of the Court was made by M.M.SUNDRESH, J.]

What has been challenged before the Single Judge is a show cause notice. The writ petition has been dismissed as premature.



2.The learned counsel for the appellant would submit that the impugned order predetermine the liability. In support of his contention the learned counsel for the appellant placed reliance upon the judgment of the Apex Court in **Siemens Ltd., vas. State of Maharashtra and others reported in (2006)12 Supreme Court Cases 33** and he also placed reliance upon another judgment in **S.Selvaarajan vas. The Revenue Divisional Officer, Tiruvallur, Tiruvallur District reported in 2010(6) CTC 73.**

3.We do not find any merit in this appeal. A perusal of the impugned order does not show that it is a predetermined order. Based upon the report referred therein, is only a prima facie consideration. The appellant instead of giving a reply, has come forward to file the writ appeal and drag the matter for about 6 years. The reliance relied upon by the counsel for the appellant does not applied to the facts of the case. In the case on hand, prima facie view has been arrived at based upon the material, which form part of the report. In such view of the matter, we do not find any merit in this appeal. Similarly, the reliance made by the learned counsel for the appellant will not help the case of the appellant. The appellant could have very well appear before the respondents, who pass the impugned order. Be that as it may, we direct the first respondent to furnish the copy of the document in reference Nos.3 & 4 namely, Assistant Geologist (Mines) Inspection Report, dated 08.11.2010 and Village Administrative Officer, Melakkal Report, dated 08.11.2010. After all, these two documents are mere pieces of evidence and therefore, there is no necessity in putting the appellant on notice at this stage.

4.Accordingly, the appeal is disposed of, subject to the observation made above. Copies of the reference Nos.3 & 4 will have to be given by the first respondent within a period of four weeks from the date of receipt of a copy of this order. Thereafter, the appellant can give a detailed report within a further period of four weeks. After receipt of the reply by the appellant, if any, the first respondent shall pass the final order within a period of four weeks, thereafter. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(AD-II)

/Truecopy/

Sub Assistant Registrar

To:

1.The District Collector,
Madurai District,
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2.The Deputy Director of Geology and Mining,
Madurai Collectorate campus ,Madurai.



3.The Revenue Divisional Officer,
Madurai District,
Madurai.

4.The Assistant Geologist, (Mines)
Madurai District,
Madurai.

+1cc to Special Government Pleader, SR.No. 72348

smi/am

MAS/SV-MMS/SAR2:23.08.2017:3P-6C

W.A. (MD) No.1636 of 2011
10.08.2017