



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Writ Petition(MD)No.14814 of 2011

and

M.P(MD)No.1 of 2011

T.Rajalingam

... Petitioner

Vs.

1.The Secretary to Government of India,
Ministry of Mines,
Shastri Bhawan, New Delhi

2.The Government of Tamil Nadu
represented by
The District Collector, Karur District,
Karur.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of a Writ of Certiorari, to call for the records of the first respondent in order No.672 of 2011, dated 21.10.2011 and quash the same.

For Petitioner : Mr.T.M.Madasamy

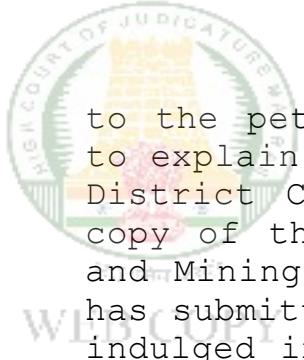
For 1st Respondent : Mr.D.Saravanan

For 2nd Respondent : Mr.S.Kumar,
Additional Government Pleader.

ORDER

Aggrieved by the order of the first respondent dismissing the revision filed by the petitioner confirming the orders of the second respondent, in and by which, the second respondent had imposed a fine of Rs.13,60,590/-. The said imposition arose in the following backgrounds:-

On 11.12.2001, the District Collector, Karur, passed an order for recovery of a sum of Rs.13,60,590/- against the petitioner for illegal mining of quartz and feldspar excavated by him from the lands in Survey No.1259/2. Aggrieved by the said order, the petitioner filed a revision before the Central Government under Section 30 of the Mines and Minerals (Regulation and Development) Act, 1957. The said revision was allowed by the Central Government by an order dated 30.08.2005 and the matter was remitted to the State Government to furnish a copy of the report



to the petitioner and pass orders after affording an opportunity to explain to the petitioner. Thereafter, notice was issued by the District Collector, Karur on 23.08.2006 to the petitioner and a copy of the inspection report of the Assistant Director, Geology and Mining, Karur was furnished to the petitioner. The petitioner has submitted his explanation on 30.08.2006 claiming that he never indulged in illicit mining and he only attempted to dig a well in his lands in Survey No.1258/2 and while digging the well, certain stones emerged and they were stored in the near well itself. He also claimed that he was doing agricultural operations and he did not know that the stones were minerals having very high value. On 11.12.2006, the petitioner sent a further representation seeking inspection to be conducted in his presence. After considering the objections of the petitioner, the District Collector, Karur passed an order on 10.01.2007 concluding that the petitioner had indulged in illicit mining. The District Collector had relied upon the report of the Assistant Director of Geology and Mining wherein it has been pointed out that the petitioner has dug a pit measuring 20.5 mts in length, 7 mts width and 8 mts depth. This very measurement of the pit would show that the petitioner has not dug a well in his land. Considering the report of the Assistant Director of Geology and Mining, the District Collector directed the petitioner to remit a sum of Rs.13,60,590/- towards the royalty and cost of 1582 mts of quartz and 1072 mts of feldspar. Not satisfied with the said order, the petitioner approached the Government of India by a revision application and by the impugned order, the revision filed by the petitioner has been dismissed.

2.The grievance of the petitioner is that inspection has not been done in his presence. The inspection report has been filed by the Assistant Director of Geology and Mining. The petitioner does not allege any *mala fide* against the said officer. It is also seen from the records that the petitioner has been given an opportunity to explain his stand and he has been fully heard.

3.The very measurement of the pit disclosed in the report of the Assistant Director of Geology and Mining would show that the case of the petitioner that he has dug the well in his land is not true. It should be pointed out that while the petitioner claims to have dug a well in S.No.1258/2, the pit in dispute is in S.No.1259/2. Therefore, it is clear that the petitioner has indulged in illicit mining of minerals namely, quartz and feldspar and the authorities below had acted strictly in accordance with the provisions of the Mines and Minerals (Regulation and Development) Act, 1957.

<https://hcservices.ecourts.gov.in/hcservices/> 4.I do not find any legal infirmity in the order passed by the authorities. Hence, I do not find any reason to interfere with the impugned proceedings. Accordingly, the writ petition is



3

dismissed. No costs. Consequently, M.P(MD)No.1 of 2011 is closed.

Sd/-
Assistant Registrar(CSIII)

/True Copy/

WEB COPY

Sub-Assistant Registrar

To

1.The District Collector, Karur District, Karur.

2.The Secretary to Government of India,
Ministry of Mines,
Shastri Bhawan, New Delhi

+1 CC TO MR.T.M.MADASAMY,ADVOCATE,SR NO.51943

+1 CC TO MR.D.SARAVANAN,ADVOCATE,SR NO.51591

+1 CC TO SPECIAL GOVERNMENT PLEADER SR NO.51764

sms

MAS/SV-MMS:25.04.2017:3P-6C

Writ Petition(MD)No.14814 of 2011
and
M.P(MD)No.1 of 2011
11.04.2017