



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.(MD)No.1111 of 2018

and

W.M.P.(MD)No.1166 of 2018

P.Jeyaprakash

... Petitioner

-Vs-

1.The District Collector,
Ramanathapuram District.

2.The Sub Collector,
Paramakudi,
Ramanathapuram District.

3.The Assistant Director,
Department of Geology and Mining,
Ramanathapuram District.

4.The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

5.Rajan Sethupathy

6.Chandran

7.Kulanthaisamy

... Respondents

(R5 is impleaded vide Court order dated 08.02.2018 in W.M.P.(MD) No.1610 of 2018)

(R6 and R7 are impleaded vide Court order dated 08.02.2018 in W.M.P.(MD)No.1727 of 2018)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings of the second respondent in Pa.Mu.(B2) 9126/2017, dated 12.01.2018 and quash the same and consequently direct the first respondent to extend the days of license with respect to the loss of business days caused due to the impugned proceedings of the second respondent and also direct the third respondent to issue rectified pass or permit for the unused permit copies that comes during the days on non-conduct of business due to the impugned proceedings.



For Petitioner : Mr.M.Gururaj
For R1 to R4 : Mr.M.Rajarajan,
Government Advocate.
For R5 : Mr.D.Senthil
For R6 & R7 : Mr.M.Jegadeesh Pandian

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ORDER

The writ petition has been filed, challenging the order dated 12.01.2018 suspending the permission granted to the petitioner to quarry gravel.

2. According to the petitioner, the first respondent / District Collector granted permission to quarry gravel sand in petitioner's patta land vide his proceedings in Na.Ka.No.1476/G&M.2/2015, dated 22.02.2017 for a period of one year. Now, all of a sudden, without any notice also ever, the second respondent / Sub Collector by an order dated 12.01.2018 suspended the permission granted by the first respondent on the ground that some serious allegations are made by the neighbour land owners that the petitioner is conducting illegal quarry in the other patta lands and also destroyed the water channels and the public pathways. Apart from that he also caused nuisance to the general public and based on the complaint given by the villagers, the impugned order has been passed. Challenging the same, the present writ petition has been filed.

3. Today, when the matter is taken up for hearing, the learned Government Advocate appearing for the respondents 1 to 4 would submit that for violation of the lease conditions, several criminal cases are registered against the petitioner. The second respondent has also sent a recommendation to the first respondent / District Collector to cancel the permission granted to the petitioner and a proposal has been sent for conducting an enquiry. Now, the District Collector is proposed to conduct an enquiry against the petitioner for the alleged violation of rules.

4. The impugned order is only an interim suspension pending enquiry and allegation of violation of lease conditions as well as the rules for which the second respondent has a power to suspend. Since it is the suspension pending enquiry, the petitioner cannot challenge the same. However, any enquiry proceedings are initiated by the first respondent, it is always open to the petitioner to appear before the first respondent and submit his objections. On submitting such objections, if any, the first respondent is directed to consider the same and pass suitable orders, after affording opportunity of hearing to the petitioner as well as the affected persons.

5. Therefore, I find no illegality or irregularity in the order passed by the second respondent. Hence, the writ petition is



liable to be dismissed.
dismissed. No costs.
petition is closed.

Accordingly, the writ petition is
Consequently, connected miscellaneous

Sd/-

Assistant Registrar(C.O.)

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/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Ramanathapuram District.

2.The Sub Collector,
Paramakudi,
Ramanathapuram District.

3.The Assistant Director,
Department of Geology and Mining,
Ramanathapuram District.

4.The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

+1CC to Mr.D.Senthil, Advocate, SR.No. 47315

+1CC to Mr.M.Jagadeeshpandian, Advocate, SR.No. 47354

+1CC to Mr.M.Gururaj, Advocate, SR.No. 47616

+1CC to the Special Government Pleader SR.No.47635

W.P (MD) No.1111 of 2018
08.02.2018

Myr

AM/SV MMS/SAR 4/14.02.2018/3P/9C