

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.1289 of 2019 and
W.M.P.No.1445 & 1447 of 2019

P.Rajesh

...Petitioner

Vs

1.The District Collector
Villupuram District
Collectorate,
Villupuram.

2. The Revenue Divisional Officer
R.D.O. office,
Villupuram.

3. The Deputy Director
Geology & Mining
Villupuram.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records in connections with the proceedings of the Revenue Divisional Officer, Villupuram, the 2nd Respondent herein, in NA.KA. No. A4/177/2014 dated 31.12.2014 and the consequent proceedings of the District Collector, Villupuram Dated 20.04.2016 bearing Ref No. Na.Ka.A/G&M/1035/2013 and quash the same as the petitioner's father Mr.Palanivel died on 10.11.2018 and issue such further or other appropriate orders or directions as this Court may deem fit and proper in the facts and circumstances of the case, award costs.

For Petitioner

: M/s.Kaviveerappan

For Respondents

: M/s.R.Janaki,

Additional Government Pleader.

O R D E R

The order passed by the Revenue Divisional Officer, Villupuram in proceeding dated 31.12.2014 imposing the penalty for illegal quarrying as well as the subsequent enquiry notice

issued by the Deputy Director, Geology & Mining in proceedings dated 31.12.2014 are under challenge in the present writ petition.

2. First of all, the order imposing the penalty for illegal quarrying was issued in proceedings dated 31.12.2014 and further, enquiry notice pursuant to the directions of this Court was issued on 20.04.2006. However, the present writ petition is filed on 09.01.2019, after a lapse of about 5 years from the date of Revenue order and 2 ½ years from the date of issuance of the enquiry notice. Thus, the writ petition itself cannot be entertained on account of the lapses.

3. The learned counsel for the writ petitioner states that the father of the writ petitioner died and therefore, the petitioner is filing the present writ petition with an abundant caution that there may be any proceedings against the legal heirs including the writ petitioner. Admittedly, the writ petition is filed only on certain apprehensions. However, the enquiry notice issued in proceedings dated 20.04.2016 cannot be challenged after a lapse of 2 ½ years, more specifically, by way of the present writ petition. The learned counsel for the writ petitioner states that the copy of the original order has not been served to the writ petitioner.

4. This Court is of an opinion that such pleadings now raised deserves no consideration as the learned Additional Government Pleader states that the copy of the final order passed by the competent authorities had been served properly on 13.05.2016 itself. This apart, the learned Additional Government Pleader, said final order was received on 23.05.2016. The penalty was imposed by considering all these facts in respect of the illegal quarrying of Mines and Minerals. Thus, the present writ petition deserves to be rejected.

5. This Court is of an opinion that if at all an enquiry is to be conducted, the authorities competent shall provide an opportunity to the writ petitioner. However, in the present case, the order has been passed in proceedings dated 31.12.2014, imposing penalty. If the person is aggrieved, it is left open to him to approach the competent authorities by way of an appeal for the redressal of his grievances. Contrarily, the present writ petition cannot be entertained now after a lapse of about 5 years from the date of issuance of the original order by the authorities competent.

6. Further, the petitioner himself admitted in his affidavit that the present writ petition is filed by way of an abundant caution as there may not be any proceedings against the writ petitioner or members of the Family as they have not involved

with any of the transactions as per the lease deed. All these issues raised in the present writ petition deserves no merit consideration as the writ petitioner has not established any cause for the purpose of filing the present writ petition and therefore, the writ petitioner cannot be construed as an aggrieved person, so as to entertain the present writ petition as well as to consider the relief as such sought for in the present writ petition.

7. Accordingly, the writ petition is devoid of merits and stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

kak/kmm

To

1. The District Collector
Villupuram District
Collectorate,
Villupuram.
2. The Revenue Divisional Officer
R.D.O. office,
Villupuram.
3. The Deputy Director
Geology & Mining
Villupuram.

+1 cc to Mr.M.Kaviveerappan, Advocate, S.R.No.4776

W.P.No.1289 of 2019

SPD(CO)
SSM(15/02/2019)

WEB COPY