

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.01.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No. 30189 of 2003

Mr.K.Chinnaraj

...Petitioner

..Vs..

1.The District Collector,  
Kancheepuram District,  
Kancheepuram.

2.The Revenue Divisional Officer,  
Kancheepuram District,  
Kancheepuram.

....Respondents

Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the 2<sup>nd</sup> respondent's proceedings bearing Na.Ka.No.5867/2002/A, dated 14.10.2003 and quash the same.

For Petitioners : Mr.K.Ramakrishna Reddy

For Respondents : Mr.Akhil Akbar Ali  
Government Advocate

O R D E R

The order passed by the 2<sup>nd</sup> respondent in proceedings dated 14.10.2003 is under challenge in the present Writ Petition.

2.The learned counsel appearing on behalf of the Writ Petitioner made a submission that the first respondent on 15.02.2002 declared the petitioner as successful bidder in respect of sand quarry measuring 10-00-0 hectares comprised in S.No.253, situated in Perumbakkam Village, Kanchipuram Taluk, Kanchipuram District. The bid amount was Rs.1,32,00,000/- and security deposit paid was Rs.13,20,000/- and the lease agreement was executed and registered on 27.02.2002. The said lease period was for three years i.e., from 27.02.2002 to 26.02.2005. The learned counsel appearing on behalf of the petitioner states that the lease period expired long back, and now, there is no quarry operation is continuing in that land.

3.However, the learned counsel appearing on behalf of the

writ petitioner states that impugned order was issued without considering the documents filed by the writ petitioner and without even providing an opportunity to the writ petitioner to put-forth his case before the competent authorities. Thus, the petitioner is constrained to move the present writ petition.

4. In the similar circumstances, this Court passed an order on 14.09.2018 in WP No.12743 of 2016 as follows:

" 6. This Court is of an opinion that mere consideration of the objections is not sufficient. The objections raised and the reason for conclusion must be recorded in the impugned order. But, in the present case, the objection raised by the petitioner has not been considered at all. Mere submissions in the counter affidavit are not sufficient to uphold the order in the writ petition.

7. Contrarily, the competent authorities while passing the final order who are quasi judicial in nature must record the reasons for arriving such conclusion. It is not as if mere consideration is sufficient. Recording the same is vital and important, enabling the aggrieved person to understand the reasoning which is being the importance for recording the reasons by the competent authorities while taking decisions. In the impugned order, it is accepted by the competent authority that the personal hearing was provided and the written statement was also taken into consideration. But no reasoning or findings are recorded for the purpose of arriving the conclusion that the mining license became lapsed.

8. Thus, this Court is of the opinion that the first respondent shall be directed to reconsider the entire filed including the written submissions made by the writ petitioner on 02.09.2016, by recording the merits and demerits of the findings of the original authority as well as the objections submitted by the writ petitioner on 02.09.2015, a speaking order shall be passed within a specific period. In this view of the matter, the first respondent is directed to reconsider the objections/written submissions filed by the writ petitioner on 02.09.2015 and other connected filed and pass orders afresh on merits and in accordance with law and more specifically recording the reasons, within a period of eight weeks from the date of receipt of a copy of this order.

9. With the above directions, this writ petition stands disposed of. Consequently, the connected miscellaneous petitions are closed. No costs."

5. In respect of the present writ petition on hand, on a perusal of the order impugned, this Court is of an opinion that the Revenue Divisional Officer has not recorded the reasons nor considered the documents/ reply given by the writ petitioner. It is duty mandatory on the part of the competent authorities to record the reasons for arriving a conclusion. In the absence of reasoning, the writ petitioner states that the grounds raised by him in his reply were not considered at all. Further the impugned order is non-speaking order.

6. Thus, this Court is of an opinion that the present writ petition deserves remand. Accordingly, the order passed by the second respondent in proceedings No. Na.Ka.No.5867/2002/A dated 14.10.2003 is quashed and the matter is remanded back to the second respondent for reconsideration.

7. Accordingly, the second respondent shall issue a notice for enquiry to the writ petitioner within a period of four weeks from the date of receipt of a copy of this order and fix a hearing date and writ petitioner is directed to submit his explanations/objections if any and thereafter the second respondent shall consider the merits and pass orders in accordance with law within a period of twelve weeks thereafter.

8. With these observations, the present writ petition stands disposed of. No costs.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrm/ska

To

1. The District Collector,  
Kancheepuram District,  
Kancheepuram.

2. The Revenue Divisional Officer,  
Kancheepuram District,  
Kancheepuram.

+1cc to Mr.K.Ramakrishna Reddy, Advocate, S.R.No. 342

W.P.No.30189 of 2003

KS (CO)  
GN(28/01/2019)