

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2019

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.27076 of 2004
and
W.P.M.P.No.32970 of 2004

M.Murali

... Petitioner

Vs

1. The Secretary to Government,
Industries Department,
Fort St. George,
Chennai - 600 009.

2. The District Collector,
Tiruvallur District,
at Tiruvallur.
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the 2nd respondent's proceedings in Rc. 297/99/Q2 dated 18.08.2000 and subsequent order in Rc.297/99/Q2 dated 26.07.2004 pertaining to the petitioner's sand quarry situated in Ramancherry village, Tiruvallur Taluk, Survey No.1412 over an extent of 30.00.0 hectares and quash the same.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr. Akhil Akbar Ali,
Government Advocate.

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O R D E R

The order of the District Collector, Tiruvallur in proceedings dated 26.07.2004 in respect of the fixation of revised lease amount, directing the writ petitioner to remit the amount with interest is under challenge in the present writ petition.

2. The writ petitioner was granted with the quarry lease for sand over an extent of 30.00.0 hectares in S.F.No.1412 of Ramancheri village, Tiruvallur Taluk in the Government order, G.O.3(D) No.204 dated 22.09.1995 for a period of five years. The lease deed was executed on 10.11.1995.

3. The District Collector, Tiruvallur District, Tiruvallur had issued the Show Cause Notices with an allegation against the writ petitioners that they have committed certain irregularities in respect of the terms and conditions stipulated in the lease agreement. However, the learned counsel for the writ petitioner admits that now the quarrying operations are entirely stopped and there is no operations are going on. The lease also was cancelled with effect from 01.05.1997 and therefore, the impugned order passed by the District Collector, without even issuing any notice and opportunity is also liable to be set aside.

4. This Court is of an opinion that any order affecting the rights of an individual is to be passed only by providing an opportunity to the persons concerned. The respondents are unable to establish that the opportunity of hearing was provided to the writ petitioner before issuing the impugned order.

5. This being the factum of the case, this Court is inclined to remand the matter back for reconsideration and for passing fresh orders in respect of the issues dealt with in the impugned order. Accordingly, the impugned order passed by the 2nd respondent in proceedings RC.297/99/Q2 dated 18.08.2000 is set aside and the matter is remanded back to the 2nd respondent for reconsideration and to pass final orders.

6. Accordingly, the 2nd respondent is directed to issue the Show Cause Notice, setting out all the details to the writ petitioner within a period of four weeks from the date of receipt of a copy of this order. The writ petitioner shall submit his explanations/objections and the documents, if any within a period of two weeks from the date of receipt of the Show Cause Notice and thereafter, the 2nd respondent shall consider the merits of the case and pass orders in accordance with law, within a period of 12 weeks thereafter.

7.With these directions, the writ petition stands allowed.
However, there shall be no order as to costs. Consequently,
connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kak/kmm

To

1. The Secretary to Government,
Industries Department,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Tiruvallur District,
at Tiruvallur.

+1cc to Mr.M.Muthappan, Advocate sr.no.536
+1cc to Government Pleader sr.no.1030

W.P.No.27076 of 2004

vgi(co)
nr 05/02/2019

सत्यमेव जयते

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