



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE M. GOVINDARAJ

W.P (MD) No.8996 of 2015

and

MP (MD) No.1 of 2015

WEB COPY

Rm.Ramanathan

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Melur Taluk,
Madurai.

3.The Secretary to Government,
Department of Mines,
Port Industries,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.

4.The Director of Geology and Mining,
Gunidy,
Chennai - 600 032.

(R3 & R4 impleaded vide order dated 23.07.2015)

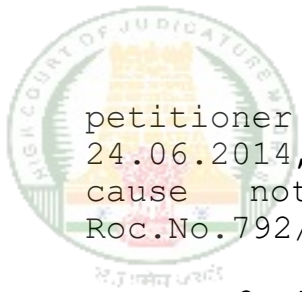
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents herein to furnish the entire documents claimed by the petitioner in his representations dated 01.03.2013, 18.01.2014, 24.06.2014, 19.03.2015, 01.06.2015 in furtherance to the show cause notice of the 1st respondent in Roc.No.792/2012-Mines dated 10.02.2013 before proceeding further with the enquiry against the petitioner.

For Petitioner	: Mr.C.Jegannathan
For Respondents	: Mrs.J.Padmavathi Devi Special Government Pleader

ORDER

This writ petition has been filed seeking direction to the respondents herein to furnish the entire documents claimed by the
<https://hcservices.ecourts.gov.in/hcservices/>



petitioner in his representations dated 01.03.2013, 18.01.2014, 24.06.2014, 19.03.2015 and 01.06.2015, in furtherance to the show cause notice of the 1st respondent dated 10.02.2013 in Roc.No.792/2012-Mines.

2.The petitioner was issued with a show cause notice dated 10.02.2013. In the said show cause notice, the respondents relied on so many documents, connecting him to S.No.101 (part). The petitioner sought for those documents from the respondents. Since they have not given the copies of documents, he is not in a position to effectively reply to the show cause notice. Hence, this writ petition.

3.According to the petitioner, he is not in possession of the said land and he has nothing to do with the said land.

4.On the other hand, the learned Special Government Pleader would contend that the writ petition has been filed with an ulterior motive to drag on the proceedings.

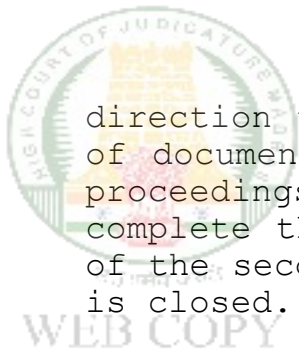
5.I have considered the rival submissions.

6.If the petitioner is not connected with the lands in dispute, he can very well prove the same by producing relevant registered ledgers of his accounts and invoices. Further, it is always open to the petitioner to dispute the documents relied upon by the respondents to prove that he is connected with S.No.101/part. If at all the petitioner wants to verify the documents, he can very well approach the concerned respondent to verify the same instead of stalling the proceedings by filing frivolous litigations and the same is not appreciable.

7.In the facts and circumstances of the case, a direction is given to the petitioner to approach the office of the respondents to verify the documents, pertaining to the lands, which are connected to him and which are not and thereafter, file a reply stating that the land in question is not connected to him and effectively defend himself at the time of enquiry proceedings.

8.The learned Special Government Pleader would submit that second evaluation is going on. After completion of evaluation, enquiry proceedings will be conducted expeditiously and at that time, opportunity will be given to the petitioner to peruse the documents, connected to the charges framed against him.

9.In the present writ petition the petitioner wants to prove the negative. Even, if any document is produced by the respondents alleging that the petitioner is in fact connected with S.No.101/part and other lands, it is always open to him to controvert the same at the time of enquiry. Therefore, the present writ petition as such is



direction to the petitioner to approach the respondents for perusal of documents and to cooperate with the early completion of enquiry proceedings. Further, a direction is given to the respondents to complete the enquiry as expeditiously as possible, after completion of the second evaluation. No costs. Consequently, MP(MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Tahsildar,
Melur Taluk,
Madurai.
- 3.The Secretary to Government,
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Fort St. George,
Chennai - 600 009.
- 4.The Director of Geology and Mining,
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+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-85433[F] dated 05/09/2019)

W.P.(MD)No.8996 of 2015
04.09.2019

mj

MK (26.09.2019) 3P 6C