



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 13.11.2019**

**CORAM:**

**THE HONOURABLE MR.JUSTICE M.GOVINDARAJ**

**W.P. (MD) No.23941 of 2019**

S.A.Subbaiah

... Petitioner

vs.

The District Collector,  
Pudukkottai District,  
Pudukkottai.

... Respondent

**PRAYER:**

Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to permit the petitioner to dispose the gravel mixture, quarried rough stone, clay which are dumped in the adjacent lands of the Quarry site by considering the petitioner's representation dated 13.09.2019 and 25.09.2019.

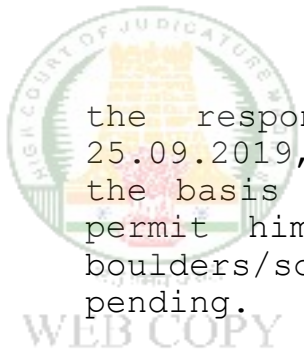
For Petitioner : Mr.D.Sadiq Raja  
For Respondents : Mr.J.Gunaseelan Muthaiah  
Addl. Government Pleader

**O R D E R**

Mr.J.Gunaseelan Muthaiah, learned Additional Government Pleader takes notice on behalf of the respondents.

2.This writ petition has been filed for issuance of a direction, directing the respondent to permit the petitioner to dispose the gravel mixture, quarried rough stone, clay which are dumped in the adjacent lands of the Quarry site by considering the petitioner's representation dated 13.09.2019 and 25.09.2019.

3.According to the petitioner, he was granted quarry license to quarry rough stone in such lands for a period of five (5) years. He was permitted by the Pollution Control Board to quarry in the permitted lands upto the depth of 43 metres and quarry rough stone to the tune of 2,75,642/- sq.metre. Pursuant to a report received from the Income Tax Department that the petitioner quarried more than 72 metres below the ground level against the permitted depth of 43 metres, the quarrying operation as well as transport of minerals were stopped by proceedings Na.Ka.No.A3236/2018, dated 16.08.2019 of the Revenue Divisional Officer, Pudukkottai. He directed the petitioner to pay a sum of Rs.6,45,10,187/- towards seigniorage fee and penalty. It is submitted by the petitioner that he paid a sum of Rs.65,45,000/- being 10% of the amount levied by



the respondent and made a representation on 13.09.2019 and 25.09.2019, wherein, he has sought to modify the penalty amount, on the basis of the market rate prevailing during the year 2013 and permit him to pay the penalty in installments by selling the boulders/soil and other items. The said representation is still pending.

4.The learned counsel appearing for the petitioner would submit that the petitioner would be satisfied, if a direction is given to dispose of the representation, within a specified time limit.

5.Accordingly, a direction is given to the respondent to take a decision on the request made by the petitioner to modify the penalty amount on the basis of the market rate prevailing during 2013 and to pay the balance of the penalty amount by selling the materials quarried on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

6.With this observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

// True Copy //

Sub Assistant Registrar(CS)

vs

**To**

The District Collector,  
Pudukkottai District,  
Pudukkottai.

+1CC TO MR.D.SADIQ RAJA, Advocate Sr. No.98319  
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.98404

**W.P. (MD) No.23941 of 2019**  
**13.11.2019**

AL(CO)  
TR(05.12.2019) 2P 4C