

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2020

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.35180 of 2013

V.Ramachandran

...Petitioner

Versus

1. The District Collector,
Villupuram.
 2. The Deputy Director,
Geology and Mining,
Department of Geology and Mining,
Villupuram.
 3. The Revenue Divisional Officer,
Villupuram.
 4. The Tahsildar,
Vannur Taluk,
Villupuram District.
- Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of Certiorari calling for the records relating to the impugned proceedings of the 3rd respondent in Na.Ka.No.A4/2588 of 2013 dated 18.10.2013 and Na.Ka.No.A4/2588 of 2013 dated 06.12.2013 and quash the same.

For Petitioner : M/s.A.L.Ganthimathi
For Respondents: Mr.R.S.Selvam,
Government Advocate

ORDER

The petitioner, who suffered the show cause notice dated 18.10.2013 for excess quarrying and the penalty determined for the same, is before this Court.

2. It is submitted by the learned counsel for the petitioner that the impugned show cause notice is pre-determined. The guilty of the petitioner as though petitioner has quarried in excess of the leased area and in excess of the permitted quantity and levied the cost of the minerals, seigniorage fee and ten times penalty on such seigniorage fees. A request was sent by the petitioner for extension of time and the same was rejected by the third respondent on

06.02.2013. Aggrieved by the same, the present writ petition has been filed.

3. After hearing the learned counsel for the petitioner as well as learned Government Advocate, it is agreed that the petitioner would appear before the third respondent on 31.03.2020 and submit his explanation to the show cause notice, and that within a period of two weeks the enquiry may be completed. The petitioner also wants the copy of the report from the respondents. The respondents may furnish the copy of the report, if any, to the petitioner, for enabling the petitioner to file an appropriate reply. Till such time, the order impugned dated 18.10.2013, levying penalty, will be kept in abeyance.

4. With the above directions the writ petition is disposed of. No costs.

5. Post the matter on 20.04.2020 under the caption 'For reporting compliance'.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The District Collector,
Villupuram.
2. The Deputy Director,
Geology and Mining,
Department of Geology and Mining,
Villupuram.
3. The Revenue Divisional Officer,
Villupuram.
4. The Tahsildar,
Vannur Taluk, Villupuram District.

W.P.No.35180 of 2013

+1cc to Mr.A.L. Ganthimathi, Advocate, S.R.No.22364
+1cc to the Government Pleader, S.R.No.22676

VGII(CO)
EU 24.6.2020