

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2020

CORAM

THE HON'BLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.NO.2836 OF 2017

AND

W.M.P.NOS.2766 & 2767 OF 2017

1.D.Gajendran
S/o.Dharmaraj

2.G.Amutha
W/o.Gajendran
Both are residing at Karkur Village
Melpatti Post,
Gudiyatham Taluk, Vellore District.

...Petitioners

Vs.

1.The District Collector
Vellore District
Vellore-9.

2.The Revenue Divisional Officer
The Revenue Divisional Office
Vellore District, Vellore.

3.The Assistant Director
Mines and Minerals
Vellore District,
Vellore.

4.The Thasildar
Gudiyatham Taluk Office
Gudiyatham
Vellore District.

5.The Thasildar
Pernambut Taluk office
Pernambut,
Vellore District.

6.The Village Assistant Officer
Paravakkal Village
Pernambut Taluk
Vellore District.

...Respondents

Prayer:-

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the 2nd respondent's proceeding Vide Na.Ka.A4/5665-2/2014 dated 16.03.2015 and quash the same.

For Petitioners : Mr.M.Jagadeesan
for Mr.I.Abraham

For Respondents : Mr.Akhil Akbar Ali
Government Advocate

O R D E R

This writ petition is filed challenging the proceedings of the second respondent dated 16.03.2015.

2. Heard both sides.

3. A careful perusal of the impugned proceedings would show that it is only a show cause notice calling upon the petitioners to show cause as to why the fine could not be imposed on the petitioners for alleged illegal quarry.

4. The learned counsel for the petitioners contended that the very impugned proceedings itself was issued without verifying the facts and conducting any enquiry.

5. In my considered view, the show cause notice issued has to be replied first and thereafter only the enquiry has to be conducted. In this case, admittedly, the petitioners have given their explanation on 24.08.2015.

6. The learned Government Advocate for the respondents submitted that the reply given by the petitioners will be considered and appropriate orders will be passed on merits and in accordance with law, after conducting due enquiry.

7. When such being the factual position, this Court is of the view that this Writ Petition can be disposed of, by directing the second respondent to conduct enquiry and pass orders on merits and in accordance with law. Accordingly, this Writ Petition is disposed of, only by directing the second respondent to conduct enquiry and pass orders on merits and in accordance with law, after giving due opportunity of hearing to the petitioners as well. Such exercise shall be done by the second respondent, within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that this

Court is not expressing any view on the merits of the allegations made in the impugned proceedings, as it is for the petitioners to disprove the same before the second respondent at the time of conducting enquiry. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector
Vellore District, Vellore-9.
- 2.The Revenue Divisional Officer
The Revenue Divisional Office
Vellore District, Vellore.
- 3.The Assistant Director
Mines and Minerals, Vellore District,
Vellore.
- 4.The Thasildar
Gudiyatham Taluk Office
Gudiyatham, Vellore District.
- 5.The Thasildar
Pernambut Taluk office
Pernambut, Vellore District.
- 6.The Village Assistant Officer
Paravakkal Village, Pernambut Taluk,
Vellore District.

+1cc to the Government Pleader, S.R.No.33845

W.P.No.2836 of 2017

RP(CO)
CS/01/12/2020