



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD)No.7086 of 2020

and

W.M.P (MD) .Nos. 7144, 6523 and 6524 of 2020

WEB COPY

S.Maharajan

... Petitioner

Vs.

1.The District Collector
Office of the District Collectorate
Madurai District
Madurai

2.The Assistant Director
Department of Mines and Geology
Madurai District
Madurai

3.The Revenue Divisional Officer
Usilampatti
Madurai District

4.The Tahsildar
Peraiyur Taluk
Madurai District

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the record relating to the impugned order of the third respondent in Na.Ka.No.5092/2020/A1 dated 28.05.2020 and quash the same and consequently, forbearing the respondents from in anyway interfering with the leasehold right of the petitioner from doing rough stone quarrying as per the proceedings of the first respondent in Na.Ka.No.1097/2016-Mines dated 10.08.2017.

For petitioner : Mr.Veera Kathiravan
Senior Counsel
For M/s.Veera Associates

For Respondents : Mr.S.Angappan
Government Advocate.

O R D E R

Heard the learned Senior Counsel appearing for the writ petitioner and the learned Government Advocate appearing for the
<https://hcservices.ecourts.gov.in/hcservices/>



respondents.

2.What is under challenge in this writ petition is levy of penalty passed by the Revenue Divisional Officer vide order dated 28.05.2020. The show cause notice itself was issued only on 26.05.2020. The petitioner had received the same on 27.05.2020. The petitioner's grievance is that the documents relied on in the show cause was not even made available with him. Even without giving reasonable opportunity to the petitioner, straight away the impugned order levying penalty came to be passed on the very next day. That is why, when the writ petition was taken up for admission, this Court granted interim orders of stay and injunction. Instead of filing counter in the main matter, the Tahsildar had applied for clarification of the interim order. I am not able to appreciate the approach of the Tahsildar. There is nothing to clarify in the interim order. The order is quite clear.

3.Be that as it may, the main writ petition itself can be disposed of on the short ground of violation of principles of natural justice. The impugned order has been passed with undue alacrity. The relied on document has not been made available to the petitioner. There is thus a violation of principle of natural justice. The order impugned in the writ petition is quashed. It is of course open to the concerned authority to proceed afresh strictly in accordance with law.

4.With this liberty to the respondents, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To :

1.The District Collector
Office of the District Collectorate
Madurai District
Madurai

2.The Assistant Director
Department of Mines and Geology
Madurai District
Madurai

3.The Revenue Divisional Officer
Usilampatti
Madurai District

4.The Tahsildar
Peraiyur Taluk
Madurai District

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-13258[F] dated
27/07/2020)

W.P. (MD)No.7086 of 2020
and

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KB (30.07.2020) 3P 6C