



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.8633 of 2020

and

W.M.P.(MD).No.7980 of 2020

R.Arasan

... Petitioner

Vs

1. The Sub Collector,
O/o. the Sub Collector, Periyakulam,
Periyakulam, Theni District.

2. The Assistant Director of Mines and Minerals,
Theni District, Theni.

3. The Tahsildar,
Andipatti Taluk, Andipatti,
Theni District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the first respondent in his proceedings in Na.Ka.No.1407/2020/A5 dated 26.05.2020 and quash the same.

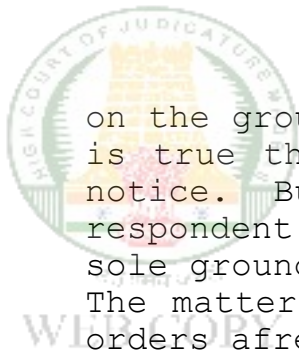
For Petitioner : Mr.M.Palani, Advocate.

For Respondents : Mr.M.Rajarajan
Government Advocate.

O R D E R

Heard the learned counsel on either side.

2. By the impugned order dated 26.05.2020, the first respondent had directed the petitioner to pay a sum of Rs.9,59,76,000/- representing the cost of mineral, seigniorage fee and penalty. The petitioner was permitted to dig a farm pond. The petitioner is alleged to have unlawfully removed the sand. The first respondent had issued notice dated 18.03.2020. But then, the petitioner had sought time. The first respondent without giving further time had chosen to pass the impugned order. It is questioned



on the ground of violation of the principles of natural justice. It is true that the impugned order has been preceded by a show cause notice. But then, considering the current pandemic times, the first respondent could have given one more opportunity. Therefore, on this sole ground alone, I quash the order impugned in this Writ Petition. The matter is remitted to the file of the first respondent to pass orders afresh in accordance with law.

3. The Writ Petition stands allowed on these terms. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar()

//True copy//

/ /2020
Sub Assistant Registrar

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 Sub Collector,
O/o. the Sub Collector, Periyakulam,
Periyakulam, Theni District.
2. The Assistant Director of Mines and Minerals,
Theni District,
Theni.
3. The Tahsildar,
Andipatti Taluk, Andipatti,
Theni District.

+1 CC to Special Government Pleader (SR-14202[F] dated 17/08/2020)

W.P. (MD)No.8633 of 2020
14.08.2020

TSG
SRS/26.08.2020/2P/5C