



WEB COPY

W.P.(MD)No.9141 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.9141 of 2020

and

W.M.P.(MD)No.8361 of 2020

M.Ayyakannu

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Usilampatti, Madurai District.

3.The Tashildhar,
Peraiyur,
Madurai District.

4.The Assistant Director,
Department of Mines and Geology,
Madurai District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.No.5092/2020/A1 dated 28.05.2020 and the consequential impugned order passed by the 3rd respondent in his proceedings Na.Ka.No.5811/2019/A4, dated 29.05.2020 and quash the same as illegal, arbitrary and in violation of principles of natural justice.

For Petitioner : Mr.B.Saravanan

For Respondents : Mr.C.Ramar,
Additional Government Pleader

O R D E R

Heard the learned counsel on either side.

2.The petitioner has been licensed to run stone quarry at the petition mentioned site. Lease in this regard was executed on 12.03.2018. The second respondent issued show cause notice dated 26.05.2020 alleging commission of violation of conditions on the part of the petitioner. The petitioner's counsel would point out that the show cause notice gave him hardly three days time to



response.

3.I find this to be a little strange. The purpose of giving show cause notice is to enable the noticee to respond and explain his stand. The noticee must be given reasonable time to respond. Giving three days time is hardly sufficient but that is not the only surprising feature in this case. The show cause is dated 26.05.2020. It was signed on the same day. Three days would expire only on 29.05.2020. But then, order levying seigniorage fee and penalty was passed on 28.05.2020 itself. In other words, even before the expiry of the time set out in the show cause the final order came to be passed. On 29.05.2020, the quarry was also sealed.

4.The violation of principles of natural justice is so apparent and obvious. Therefore, I have to necessarily interfere in this case. The orders impugned in the writ petition stand quashed. The second respondent is directed to de-seal the quarry also. The petitioner is given seven more days from the date of receipt of a copy of this order to respond. I have quashed the impugned orders only on the ground of violation of principles of natural justice. I have not gone into other aspects of the matter.

5.The writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Tashildhar,
Peraiyur,
Madurai District.

4.The Assistant Director,
Department of Mines and Geology,
Madurai District.

+1 CC to M/s.B. SARAIVANAN, Advocate (SR-14818[F] dated 24/08/2020)

+1 CC to M/s.GP (SR-14694[F] dated 21/08/2020)

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AP(24/08/2020) 3P 7C