



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2021

CORAM

THE HONOURABLE MR.JUSTICE R. MAHADEVAN

W.P. Nos. 22948 to 22952 of 2012
and
MP.Nos.1 to 1 and 2 to 2 of 2012

Ramachandra Granite and Construction (Pvt.) |Ltd.,
represented by its Director Mrs. R.Vimala,
Varaganapalli
Nagamangalam Village
Krishnagiri District

.. Petitioner in all W.Ps

Versus

The District Collector
Krishnagiri District
Krishnagiri

.. Respondent in all W.Ps

WP No. 22948 to 22952 of 2012:- Writ Petition filed under Article 226 of Constitution of India praying for issuance of writ of Certiorari to call for the records pertaining to the respondent's show cause notice bearing Roc.Nos.694,695,698,699 &696/2012-1/Mines-2 dated 08.08.2012 respectively and quash the same.

For Petitioner : Mr. K. Ramakrishna Reddy
in all the Writ Petitions

For Respondents : Mr. Stalin Abhimanyu
Government Advocate
in all the Writ Petitions

COMMON ORDER

The petitioners have come up with these Writ Petitions challenging the show cause notices dated 08.08.2012 issued by the respondent.

2. According to the petitioner, they were granted with a licence to quarry rough stone in respect of various lands situated in Nagamangalam Village of Denkanikottai, Krishnagiri District. In the case of the petitioner in WP No. 22968 of 2012, such a lease for granite quarry was granted by G.O. (3D) No.17, Industries (MME-II) Department dated 05.02.2007 for a period of



20 years commencing from 26.02.2007 to 25.02.2027. Similarly, lease in respect of various lands were granted to the other petitioners as well. During the subsistence of lease, on 27.07.2012, the officials of the Geology and Mining along with Revenue Department have carried on an inspection in the lands leased out to the petitioners herein and have noticed several violations of the lease. Pointing out certain violations based on the report submitted by the inspection team, the respondent issued the show cause notices dated 08.08.2012 calling upon the petitioners to submit their explanation within 15 days failing which appropriate action will be initiated against them as per the existing provisions of the Acts and Rules.

3. The petitioners have filed these writ petitions by stating that the violations pointed out by the respondent in the show cause notices are legally untenable. The petitioners also denied the violations pointed out by the respondent in the affidavits filed in support of the writ petitions. According to the petitioners, before issuing the show cause notice, the existence of the alleged pits outside the lease hold area shall be established and then the age of the pits has to be ascertained before taking any decision. Therefore, the petitioners would contend that even the show cause notices issued by the respondent is in flagrant violation of the principles of natural justice and it has caused prejudice to them. It is also the case of the petitioners that the impugned show cause notices issued by the respondent is totally without jurisdiction, illegal and contrary to the principles of natural justice.

4. Heard the learned counsel for both sides. These writ petitions have been filed challenging the show cause notice issued by the respondent in exercise of the powers conferred under the Tamil Nadu Minor Mineral Concession Rules for contravention of Section 4 (1) and 4 (1-A) of the Mines and Minerals (Regulation and Development) Act, 1957. While so, it cannot be said that the respondent has no authority or jurisdiction to issue such a notice. Further, the respondent has only issued a show cause notice calling upon the petitioners to submit their explanation within 15 days. The respondent has not passed any final orders against the petitioners. However, the petitioners, without submitting any such explanation, have filed these writ petitions. Therefore, this Court is of the view that these writ petitions are not maintainable and they are liable only to be dismissed.

5. At this stage, the learned counsel for the petitioners submitted that these Writ Petitions were filed in the year 2012 challenging the show cause notices dated 8.8.2012 issued by the respondent without submitting the explanation as called for by the respondent. Therefore, the learned counsel for the



petitioners submit that the petitioners may be permitted to submit their explanation to the show cause notices issued by the respondent and on receipt of the same, the respondent may be directed to consider it in accordance with law.

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6. In view of the above submission made by the learned counsel for the petitioners, all these Writ Petitions are disposed of granting liberty to the petitioners to submit their written explanation to the show cause notices issued by the respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondent shall consider the same and pass orders on merits and in accordance with law after granting an opportunity of personal hearing to the petitioners within a period of eight weeks thereafter. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

msr/rsh

To

The District Collector,
Krishnagiri District,
Krishnagiri

+1cc to the Government Pleader SR No.32015

WP Nos. 22948 to 22952/2012

AJS (CO)
PR (23/08/2021)