



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2022

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).Nos.2589 to 2591 of 2022
and W.M.P.(MD).Nos.2294 to 2296 of 2022

S.Ramaiah .. Petitioner in all Writ Petitions

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Revenue Divisional Officer,
Pudukkottai District,
Pudukkottai.

3.The Assistant Director,
Geology and Mining,
Collectorate,
Pudukkottai District,
Pudukkottai.

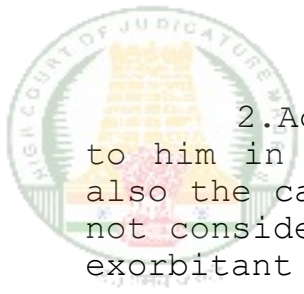
.. Respondents in all Writ Petitions

COMMON PRAYER: Writ Petitions are filed under Article 226 of Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.A3/2525/2021, dated 30.12.2021 and quash the same as illegal, arbitrary and in violation of principles of natural justice.

For Petitioner	:	Mr.B.Saravanan
For Respondents	:	Mr.P.Tilak Kumar
		Government Pleader
		(In all Writ Petitions)

COMMON ORDER

These writ petitions have been filed challenging the order, dated 30.12.2021 passed by the second respondent imposing penalty on the petitioner for the alleged irregularities in respect of the mining licence granted to him. The petitioner has approached this Court on account of violation of principles of natural justice by the second respondent.



2. According to the petitioner, a fair hearing was not granted to him in the penalty proceedings by the second respondent. It is also the case of the petitioner that an explanation given by him was not considered in the impugned order, dated 30.12.2021, in which, an exorbitant amount has been levied as penalty.

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3. The learned counsel for the petitioner drew the attention of this Court to the enquiry notice, dated 14.12.2021, the explanation/representation given by the petitioner on 17.12.2021, the personal hearing notice, dated 29.12.2021 issued by the second respondent and the impugned order, dated 30.12.2021 and after referring to the same, he would submit that despite a detailed explanation was given by the petitioner, on 17.12.2021, under the impugned order, dated 30.12.2021 passed by the second respondent, the said explanation has not been considered. The petitioner has given an explanation in detail as to why he is not liable to pay the penalty and he has also sought for time to produce other crucial records for the purpose of disproving the penalty claim made by the second respondent.

4. As seen from the impugned order, dated 30.12.2021 passed by the second respondent, the contentions of the petitioner as mentioned in his representation, dated 17.12.2021 has not been considered and further, the second respondent has also not afforded an opportunity to the petitioner to produce the records, which according to him is crucial, as seen from his representation, dated 17.12.2021. The representation was given on 17.12.2021 by the petitioner and the impugned order came to be passed by the second respondent on 30.12.2021 itself and in the said impugned order, the explanation given by the petitioner by way of his representation, dated 17.12.2021 has not been considered. Therefore, this Court is of the considered view that principles of natural justice has been violated by the second respondent, while passing the impugned order dated 30.12.2021.

5. For the foregoing reasons, the impugned order dated 30.12.2021 passed against the petitioner by the second respondent is hereby quashed and the matter is remanded back to the second respondent for fresh consideration. The second respondent is directed to pass final orders in the penalty proceedings issued under Section 36-A of the Tamil Nadu Minor Mineral and Concession Rules, after affording a fair hearing to the petitioner, including granting him a personal hearing and after giving due consideration to the documents produced by the petitioner in support of his contention, within a period of eight weeks from the date of receipt of a copy of this order.

6. It is made clear that the petitioner shall abide by the terms and conditions of the licence granted to him by the respondents for carrying the mining operations.



7. With the aforesaid directions, the Writ Petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

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// True Copy //

/ /2022

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,
Pudukkottai District,
Pudukkottai.

2. The Revenue Divisional Officer,
Pudukkottai District,
Pudukkottai.

3. The Assistant Director,
Geology and Mining,
Collectorate,
Pudukkottai District,
Pudukkottai.

+3 CC to M/s.B.SARAVANAN, Advocate (SR-5271[F],5272,5273 dated 10/02/2022)

+1 CC to M/s.SPL GP (SR-5345[F] dated 10/02/2022)

W.P (MD) .Nos.2589 to 2591 of 2022
09.02.2022

SVS (CO)

KB(21.02.2022) 3P 8C