



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.10932 of 2022

and

W.M.P. (MD)Nos.7878 & 7879 of 2022

Kamalakannan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Tiruchendur,
Tuticorin District.

2.The Thasildar,
Eral Taluk,
Tuticorin District.

3.The Village Administrative Officer,
Tirukkalur Village,
Eral Taluk,
Tuticorin District.

... Respondents

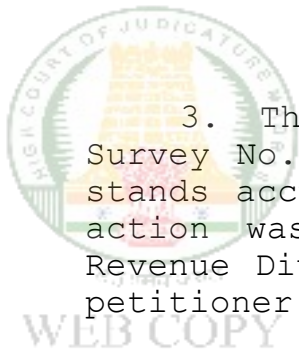
Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in Na.Ka.No.A5/1082/2022 on the file of the first respondent and quash the order passed by the first respondent in Na.Ka.No.A5/1082/2022, dated 25.02.2022 and direct the respondents to remove the seal, fixed in Survey No.649/2 of Ward No.3, Main Road, Alwarthirunageri Union, Eral Taluk, Tuticorin District house buildings put up by the petitioner.

For Petitioner	: Mr.KA.Raamakrishnan
For Respondents	: Mr.P.Thilak kumar Government Pleader

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Pleader appearing for the respondents.

2. With the consent of learned counsel on either side, the writ petition is taken up for final disposal.



3. The petitioner is presently putting up construction in Survey No.649/2 in Tirukkalur Village, Eral Taluk. The petitioner stands accused of having illegally quarried sand. In this regard, action was taken and order dated 25.02.2022 was passed by the Revenue Divisional Officer levying penalty of Rs.11,62,200/- on the petitioner. This order is put to challenge in this writ petition.

4.This order is appealable. The petitioner is given liberty to file an appeal before the appellate authority. Since the original order has been filed before this Court, it is open to the petitioner to file an appeal on the strength of the photocopy of the order. If the petitioner files such an appeal within a period of two weeks from the date of receipt of a copy of this order, the appeal shall be entertained without reference to limitation. However, there is substance in the contention of the petitioner's counsel that it is not open to the respondents to seal the premises in question.

5. The learned Government Pleader would of-course deny the said assertion. On going through the impugned order, I find that there is a specific sentence stating that the site in question had been sealed. The petitioner's counsel states that the said site refers to the construction site. The respondents do not have any authority to seal the premises in question.

6.The petitioner's construction activities shall not be stopped by the respondent authorities. This portion of the impugned order is set aside. The Writ Petition is allowed with the aforesaid direction to the petitioner to challenge the penalty before the appellate authority. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

09/06/2022

Sub Assistant Registrar(CS-II)

rmi

To

1.The Revenue Divisional Officer,
Tiruchendur,
Tuticorin District.

2.The Thasildar,
Eral Taluk,
Tuticorin District.



3.The Village Administrative Officer,
Tirukkalur Village,
Eral Taluk,
Tuticorin District.

+1 CC to M/s.KA.RAAMAKRISHNAN, Advocate (SR-24920[F]
dated 09/06/2022)

+1 CC to M/s.SPL.GP (SR-24869[F] dated 09/06/2022)

W.P.(MD)No.10932 of 2022
08.06.2022

PK (CO)

GC(09.06.2022) 3P 6C