



W.P(MD)No.23276 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2022

CORAM :

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.23276 of 2022

and

W.M.P.(MD)Nos.17371 and 17372 of 2022

M.Murugesan

... Petitioner

Vs

1.The District Collector,
Pudukkottai District.

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

3.The Tahsildar,
Kulathur Taluk,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the first respondent in issuance of the order in Rc.No. 566/2022 (G&M) dated 23.09.2022 and quash the same.

For Petitioner : Mr.M.Rajarajan

For Respondents : Mr.D.Gandhiraj
Special Government Pleader



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ORDER

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This Writ Petition has been filed challenging the order of the first respondent passed in Rc.No.566/2022 (G&M) dated 23.09.2022.

2. By consent of both the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. Notice dated 05.09.2022 was issued by the first respondent calling upon the petitioner to appear for hearing on 27.09.2022 to show cause as to why the report of the Joint Inspection, dated 22.07.2022 should not be accepted. As per the report, the petitioner had violated the conditions of the quarrying licence and had not given any 50 meters safety distance and also he had quarried in adjacent patta land. The impugned proceedings had been passed by the District Collector suspending the licence of the petitioner under the provisions of the Tamil Nadu Minor Mineral Concession Rules, 1959, on 23.09.2022.

4. It is very surprising that when the hearing had been fixed on 27.09.2022 at 11.30 a.m., the first respondent had passed an order on



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23.09.2022, which is clear violation of the principles of natural justice.

Hence, I am inclined to set aside the impugned order dated 23.09.2022, direct the first respondent to conduct hearing on 18.10.2022 and accordingly, the impugned order dated 23.09.2022 is set aside and the first respondent is directed to conduct hearing on 18.10.2022 and the petitioner is also directed to be present on that date and submit his explanation and thereafter, the first respondent is at liberty to pass orders. As this Court has not ventured into the merits of this writ petition, the petitioner is at liberty to raise all the points raised in this writ petition during the hearing.

5. This Writ Petition is allowed on the above said terms. No costs. Consequently, connected miscellaneous petitions are closed.

06.10.2022

Index : Yes/No
Internet: Yes/No

sm/ta



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K.KUMARESH BABU, J

sm/ta

To:

- 1.The District Collector,
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