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W.P.No.30586 of 2023
and W.M.P.No.30229 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.10.2023

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.30586 of 2023
and W.M.P.No.30229 of 2023

R.Yogaraj

... Petitioner

Vs.

1.The District Collector, Salem
Fort Main Rd,
Salem – 636 001.

2.The Revenue Divisional Officer,
Mettur, Salem 636 402.

3.The Deputy Director,
Director of Geology and Mining,
Sandiyur Attayampatti,
Salem.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, seeking to call for the records of the impugned show cause notices in Na.Ka.1357/2021-D dated 16.08.2023 and 17.08.2023, issued by the 2nd respondent to the petitioner and quash the same and consequently, direct the 3rd respondent



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to serve the survey report and detailed calculations of the alleged over-mining quantity along with other relevant documents.

For Petitioner : Mr.S.Sidhartha Vishnu
for Ms.S.Varsha
For Respondents : Mr.P.Anandakumar
Government Advocate

ORDER

Mr.P.Anandakumar, learned Government Advocate takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2.This writ petition has been filed by the petitioner seeking to call for the records of the impugned show cause notices in Na.Ka.1357/2021-D dated 16.08.2023 and 17.08.2023, issued by the 2nd respondent to the petitioner and quash the same and consequently, direct the 3rd respondent to serve the survey report and detailed calculations of the alleged over-mining quantity along with other relevant documents.

3.Learned counsel for the petitioner submitted that the petitioner was a successful bidder in a public auction conducted by the



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Government of Tamil Nadu for lease of lands for the purpose of mining to an extent of 1.50.0 hectares in S.No.118/2(part) and the petitioner was carrying out the mining work. While so, show cause notices have been issued by the 2nd respondent vide Na.Ka.1357/2021-D dated 16.08.2023 and 17.08.2023, seeking explanation against the report submitted by the 3rd respondent vide Letter No.372/2023 dated 05.06.2023 to the 2nd respondent. It has been alleged that the petitioner had mined in excess during the lease period. The petitioner has not been issued any enquiry or inspection notice. Thus, the petitioner was not present during the said inspection and the report of the 3rd respondent has also not been served to the petitioner.

4.He further submitted that without providing any information and relevant documents to the petitioner, the 2nd respondent has issued the show cause notices. In this regard, the petitioner has made a representation to the 2nd respondent on 13.09.2023 seeking to provide the relevant documents to the petitioner. Since the same has not been considered, the petitioner has come up with the present writ petition.



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5.Mr.P.Anandakumar, learned Government Advocate submitted that the petitioner shall give his reply to the show cause notices issued by the 2nd respondent, thereafter, appropriate orders will be passed.

6.On perusal of the records and hearing the submissions made by the learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondents it is seen that the show cause notices dated 16.08.2023 and 17.08.2023 have been issued to the petitioner, wherein the 2nd respondent has referred to certain documents and arrived at a conclusion that the petitioner had mined in excess during the lease period but it has not been stated as to how they arrived at those calculation. In this regard, the petitioner has made a representation to the 2nd respondent on 13.09.2023, seeking to provide relevant documents so as to enable him to give his reply to the show cause notices and the same was not considered.



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7. In view of the above, this Court directs the 2nd respondent to provide the relevant documents as requested by the petitioner and dispose of the representation of the petitioner dated 13.09.2023. In such case, the petitioner is directed to file his reply to the show cause notices dated 16.08.2023 and 17.08.2023 within a period of 30 days from the date of disposal of the petitioner's representation or otherwise any further time is granted by the Officer concerned at the request of the petitioner. Thereafter, the 2nd respondent shall pass orders considering the reply of the petitioner.

8. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitioner is closed.

20.10.2023

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Speaking/Non-speaking order
Index : Yes / No
Neutral Citation : Yes / No
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KRISHNAN RAMASAMY.J.,

rst

To:

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- 2.The Revenue Divisional Officer,
Mettur, Salem 636 402.
- 3.The Deputy Director,
Director of Geology and Mining,
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