



W.P.(MD).No.3651 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **29.09.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P.(MD). No.3651 of 2023

G.Reji

... Petitioner

Vs.

1.The District Collector,
Nagercoil,
Kanyakumari District.

2.The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent's proceeding in Aa1/1636/2023 dated 10.02.2023 and quash the same as illegal and consequently, direct the second respondent not to disturb the petitioner run brickkiln in Survey Nos.844/18, 844/19A, 844/20, 844/21 at Pacode Village, Vilavancode Taluk, Kanyakumari District.



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W.P.(MD).No.3651 of 2023

For Petitioner : Mr.N.S.Ramarkrishna Dass

For Respondents : Ms.D.Farjana Ghoushia
Special Government Pleader

ORDER

This Writ Petition has been filed as against the impugned show cause notice issued by the second respondent, namely, the Tahsildar, Vilavancode Taluk, Kanyakumari District, calling upon the petitioner to offer his explanation with regard to quarry conducted by him, subsequent to the brickkiln license given to the petitioner in the year 2013.

2. It appears that the first respondent, namely, the District Collector, Nagercoil, Kanyakumari District, has issued a license for quarrying brickkiln in certain patta lands for a period of one year. The said license was issued on 08.04.2013 and it got expired on 07.04.2014. The second respondent, namely, the Tahsildar, Vilavancode Taluk, Kanyakumari District, has issued the impugned show cause notice on the ground that even after a lapse of license period, the petitioner is conducting quarry illegally. According to the petitioner, the second respondent is not the Competent Authority to conduct enquiry on the



W.P.(MD).No.3651 of 2023

illegal quarry activities and issue the impugned show cause notice.

However, the impugned proceedings is only a show cause notice and therefore, this writ petition is not maintainable in view of the decision of the Hon'ble Supreme Court in **Union of India vs. Kunishetty Satyanarayana [(2006) SCC 28]**.

3. Accordingly, this Writ Petitions is dismissed. However, the petitioner shall offer his explanation to the impugned show cause notice within a period of four weeks from the date of receipt of a copy of this order. In the event if the second respondent finds that the petitioner is conducting the quarry illegally, the same may be referred to the Competent Authority for taking appropriate action in accordance with law. There shall be no order as to costs.

29.09.2023

Index: Yes/No
Internet: Yes/No
ssb



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W.P.(MD).No.3651 of 2023

To

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- 2.The Tahsildar,
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W.P.(MD).No.3651 of 2023

B.PUGALENDHI, J.

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W.P.(MD).No.3651 of 2023

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