



WP(MD)No.19921 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP (MD) No.19921 of 2023

and

WMP (MD) Nos.16445 and 16446 of 2023

B.Rengaswamy

... Petitioner

Vs

1.The Sub Collector,
Padmanabapuram,
Kanniyakumari District.

2.The Tahsildar,
Vilvancode Taluk,
Vilavancode,
Kanniyakumari District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for a writ of certiorari calling for the records pertaining to the proceedings of the 1st respondent in Na.Ka.No.A1/1840/2020 dated 07.02.2022 and the proceedings of the 2nd respondent in Na.Ka.A1/1840/2020 dated 18.07.2023 and quash the same.

For petitioner : Mr.Charles Kamalesh M. Appaji

For Respondents : Ms.D.Farjana Ghousia,
Special Government Pleader



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ORDER

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This writ petition is filed as against the proceedings of the 1st respondent / the Sub Collector, Ramanathapuram in Na.Ka.No.A1/1840 of 2020 dated 07.02.2023 and the consequential proceedings in Na.Ka.A1/1840/2020, dated 18.07.2023.

2.The 1st respondent vide proceedings dated 07.02.2023 directed the petitioner to remit the penalty amount of Rs.7,86,600/- imposed on him for having illegally quarried 600 units of sand in S.No.612/6B, Pacode Village, Vilavancode Taluk, within a period of 15 days and the same has been reiterated in the subsequent notice dated 18.07.2023. The petitioner with a grievance that without any reasons the 1st respondent has imposed the penalty as Rs.7,86,600/-, as if this petitioner has indulged in illegal quarrying of sand.



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3.The learned Counsel for the petitioner submits that the respondents have alleged that the petitioner has illegally quarried 600 units of sand in S.No.612/6B to an extent 0.18.00 hectare out of 0.72.00 hectares, which is not correct and there is no sand quarry as alleged in the notice. The respondents without conducting any enquiry have passed an order to recover the amount without providing any opportunity of hearing to the petitioner.

4.The learned Special Government Pleader appearing for the respondents by referring the proceedings of the Sub Collector, Padmanabhapuram in A1/1475/2015 dated 15.12.2015 submits that the enquiry has been contemplated as against this petitioner under Rule 36 of the Tamil Nadu Minor Mineral Concessions Rules and the penalty has been imposed as per Rule 36(A)(1) of the said Rules that the petitioner has illegally quarried 600 units of sand without any valid permit. The petitioner has not challenged the order dated 15.12.2015 and it has



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become final and therefore, the consequential proceedings were initiated under the Revenue Recovery Act and as per the earlier proceedings A1/1475/2015 dated 15.12.2015.

5.The Special Government Pleader has produced the files pertaining to the earlier proceedings initiated under Rule 36 of the Tamil Nadu Minor Mineral Concession Rules and submits that the petitioner has also provided with sufficient opportunity of hearing and his statement has also been recorded and only thereafter, the order imposing penalty were passed as against this petitioner and the consequential proceedings was also initiated. The proceedings already initiated as against this petitioner under Rule 36 of the Tamil Nadu Minor Mineral Concession Rules as if the petitioner has conducted illegal quarry and has taken 600 units of the sand without any valid permit. The petitioner claims that he is not aware of the said proceedings. However, the statement of the petitioner is now placed before this court and therefore, this writ



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petition is dismissed with liberty to the petitioner
to work out his remedy in the manner known to law.

No costs. Consequently connected miscellaneous
petition are closed.

07.09.2023

Internet: Yes / No
Index : Yes / No
NCC : Yes / No

DSK

To

1.The Sub Collector,
Padmanabapuram,
Kanniyakumari District.

2.The Tahsildar,
Vilvancode Taluk,
Vilavancode,
Kanniyakumari District.



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B. PUGALENDHI , J .

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