



W.P(MD)No.9713 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.9713 of 2015 and
MP(MD) No.1 of 2015

A.Ganesamurthy

...Petitioner

Vs.

1.The Revenue Divisional Officer,
Pattukottai,
Thanjavur District.

2.The Revenue Inspector,
Pattukottai Taluk,
Thanjavur District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified, calling for the records pertaining to the impugned notice issued by the second respondent in his proceedings in Vu.Mu.284/2015, dated 05.05.2015 and quash the same.

For Petitioner
For Respondents

: Mr.B.Jameel Arasu
: Mr.G.V.Vairam Santhosh
Additional Government Pleader



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ORDER

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This writ petition is filed as against the notice dated 05.05.2015 issued by the Revenue Inspector, Pattukottai, calling upon the petitioner to pay a penalty of Rs.2,40,572/- for alleged illegal quarrying of sand in Survey No.20-8, situated at Sendankadu Village I Bit, Pattukottai Taluk, Thanjavur District.

2.The learned counsel appearing for the petitioner submits that the above land is the petitioner's patta land and he has taken some red sand for the purpose of constructing a kitchen for his house. However, without considering the same and without conducting an enquiry, the second respondent has imposed a huge amount as penalty.

3.This writ petition is pending from the year 2015 and when it was taken up for hearing on 27.03.2023, the learned Additional Government Pleader has produced a statement of this petitioner, dated 26.03.2023, claiming that this petitioner was not at



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all aware of this writ petition, which is pending before this Court and also claimed that the petitioner has already paid the penalty imposed by the revenue officials.

4.Considering the aforesaid representation, this Court directed the learned Additional Government Pleader to ascertain the provisions, under which the Revenue Inspector has imposed a penalty under the Tamil Nadu Minor Mineral Concessions Rules and also directed to produce the entire files.

5.The learned Additional Government Pleader submits that the original proceedings was initiated by the Revenue Divisional Officer and not by the Revenue Inspector. He further submits that an order has been passed by the Revenue Divisional Officer, as per the provisions under Section 36(A)(1) of the Tamil Nadu Minor Mineral Concessions Rules,1959, based on a report of the Tahsildar, Pattukottai in Na.Ka.No.1744/2015 A6, dated 23.02.2015. After imposing penalty, the Revenue Divisional Officer has directed the



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Revenue Inspector to recover the penalty amount from the petitioner, based on his order and accordingly, the Revenue Inspector has issued the impugned notice to the petitioner.

6.Heard both sides and perused the materials placed on record.

7.The petitioner claims that the land in Survey No.20-8, situated at Sendankadu Village I Bit, Pattukottai Taluk, Thanjavur District is his patta land and he has taken some red sand for the purpose of constructing a kitchen for his house. According to the learned Additional Government Pleader, based on the report submitted by the Tahsildar, Pattukottai in Na.Ka.No.1744/2015 A6, dated 23.02.2015, the Revenue Divisional Officer, Pattukottai has passed an order, directing the Revenue Inspector to recover the penalty amount from the petitioner.



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8.The order impugned is now projected as a notice for recovery by the Revenue Inspector based on the order passed by the Revenue Divisional Officer,dated 19.05.2015 in Vu.Mu.284/2015. This writ petition is pending from the year 2015 and the respondent have not filed their counter so far. In view of the present stand taken, this Court suo motu amend the prayer and the Registry was directed to amend the prayer of the writ petition with the order of the Revenue Divisional Officer in Vu.Mu.284/2015 along with the notice of the Revenue Inspector, dated 05.05.2015.

9.This Court perused the files. The Revenue Divisional Officer has imposed a penalty as against the petitioner based on a reprot of the then Tahsildar of Pattukottai in Na.Ka.No.1744 of 2015 A6, dated 23.02.2015, however, without conducting an enquiry as provided under the Minor Mineral Concessions Rules. The Revenue Inspector has issued the impugned notice even before this order of Revenue Divisional Officer and therefore both these orders are set aside on the principles of natural justice and also on the ground of



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jurisdiction.
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10. Accordingly, this writ petition is allowed. Proceedings of the Revenue Divisional Officer, dated 19.05.2015 and the impugned order in Vu.Mu.284/2015, dated 05.05.2015 are hereby set aside. No costs. Consequently, connected Miscellaneous Petition is closed.

21.06.2023

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

To

- 1.The Revenue Divisional Officer,
Pattukottai,
Thanjavur District.
- 2.The Revenue Inspector,
Pattukottai Taluk,
Thanjavur District.



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B.PUGALENDHI, J.

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Order made in
W.P(MD)No.9713 of 2015 and
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