



W.P.(MD).No.23010 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **17.11.2023**

CORAM:

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

W.P.(MD).No.23010 of 2018
and W.M.P(MD).Nos.20907 of 2018 and 537 of 2019

A.Prema

... Petitioner

Vs.

1.The Sub-Collector,
Devakottai,
Sivagangai District.

2.The Tahsildar,
Taluk Office,
Karaikudi, Sivagangai District.

3.Somasundaram

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records pertaining to the impugned order of the first respondent dated 11.10.2018 made in Na.Ka.No.Aa4/9007/2018 and quash the same.

For Petitioner : Mr.Isaac Mohanlal
Senior counsel for
Mr.J.Anandh Kumar

For R1 and R2 : Mr.G.V.Vairom Santhosh
Additional Government Pleader



W.P.(MD).No.23010 of 2018

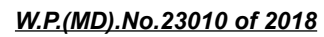
ORDER

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This Writ Petition was filed by the petitioner in the year 2018 as against the impugned order passed by the first respondent, namely, the Sub Collector, Devakottai, imposing a penalty of Rs.22,95,400/- (Rupees Twenty Two Ninety Five Thousand Four Hundred only) on the petitioner.

2.The learned Senior Counsel appearing for the petitioner, by referring to the impugned order, submits that an inspection was made on 09.10.2018 by the Sub Collector, Devakottai and the impugned order imposing a penalty has been passed on 11.10.2018 as per the Rule 36(A) (1) & (3) of the Tamil Nadu Minor Minerals Concession Rules, 1959, that the petitioner was in possession of 528 units of sand without any authorisation, which was stored in her land in S.No.78/2 of Devapattu Village, Kallal Panchayat Union, Karaikudi Taluk, Sivagangai District.

3.The learned counsel further submits that the petitioner is running a Primary School, namely, 'Kallal Kalyani Nursery and Primary School', which was established in the year 1998 and recognized by the



4. The learned Senior Counsel has also pointed out that the signed order has been passed without issuing any show cause notice to the petitioner and without conducting any enquiry. No opportunity was given to the petitioner for production of relevant documents to



W.P.(MD).No.23010 of 2018

substantiate her case.

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5. This Court considered the submissions made by the learned Senior Counsel appearing for the petitioner and also perused the materials placed on record including the impugned order.

6. A perusal of the impugned order reveals that inspection was made on 09.10.2018 and the impugned order has been passed on 11.10.2018 within two days, without providing sufficient opportunity to the petitioner. The petitioner claimed that she is having valid receipts for the purchase of sand and she purchased the sand for the purpose of construction of a new building for renewal of recognition of the School. Therefore, this Court directed the learned Additional Government Pleader to get instructions as to whether sufficient opportunity has been provided to the petitioner for production of relevant documents before passing the impugned order.

7. When the matter is taken for hearing today, the learned Additional Government Pleader, on instructions, submits that no notice



W.P.(MD).No.23010 of 2018

was provided to the petitioner before passing the impugned order.

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8. Since the impugned order has been passed by the first respondent without issuing any notice to the petitioner, this Court is inclined to set aside the impugned order passed by the first respondent vide Na.Ka.No.Aa4/9007/2018 dated 11.10.2018, on the ground of violation of principles of natural justice and accordingly, it is set aside. The respondents 1 and 2 are at liberty to conduct a fresh enquiry by providing an opportunity of hearing to the petitioner.

9. Accordingly, this Writ Petition is allowed. There shall be no order as to costs. Connected miscellaneous petitions are closed.

17.11.2023

Index: Yes/No
Internet: Yes/No
ssb



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W.P.(MD).No.23010 of 2018

To

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Sivagangai District.
- 2.The Tahsildar,
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W.P.(MD).No.23010 of 2018

B.PUGALENDHI, J.

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W.P.(MD).No.23010 of 2018

17.11.2023