



W.P(MD)No.24442 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24442 of 2023

and

W.M.P.(MD)No.20634 of 2023

M/s.Agni Chamber,
Rep. by its Proprietor,
Mr.Ravi Narayanan,
5/190, Mangammal Salai,
Alwarthoppu West,
Srivaigundam Taluk,
Thoothukudi District.

... Petitioner

Vs.

1.The Director of Geology and Mining,
Guindy,
Chennai-2.

2.The District Collector,
Thoothukudi District,
Thoothukudi.

3.The Sub Collector,
Thoothukudi District,
Thoothukudi.

4.The Tahsildar,
Srivaigundam,
Thoothukudi District,

5.The Assistant Director,
Department of Geology and Mining,
Thoothukudi District,
Thoothukudi.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the 2nd respondent in his proceedings RC.No. 353/GM1/2022 dated 11.09.2023 and quash the same as illegal and arbitrary.

For Petitioner : Mr.B.Saravanan
Senior Counsel
for M/s.D.Kirubakaran

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Heard the learned senior counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

2. The petitioner is running a brick kiln unit. The allegation made against the petitioner is that he had unlawfully removed the sand. The Sub Collector (RDO), Tuticorin conducted inspection and passed order dated 10.08.2021 levying penalty on the petitioner to the tune of Rs.1,65,88,774/-. Aggrieved by the same, the petitioner filed appeal before the District Collector, Tuticorin. The appellate authority vide order dated 28.08.2023 partly allowed the appeal by reducing the penalty amount to Rs.1,17,28,458/-. Challenging the same, the petitioner has filed the revision petition before the first respondent. It is still



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pending. In the meanwhile, the impugned order dated 11.09.2023 has been passed enforcing the penalty order.

3. since as rightly pointed out by the learned senior counsel appearing for the petitioner, the petitioner has availed the statutory remedy, the authority need not rush to implement their order. By the impugned order, drastic measures have been proposed. The petitioner's brick kiln unit faces the threat of being lock and seal also.

4. I therefore direct that the impugned order dated 11.09.2023 shall be put on hold and kept in abeyance till 30.11.2023. The first respondent shall dispose of the interim application filed by the petitioner in the mean while. The order dated 11.09.2023 will abide by the outcome of the interim order to be passed by the first respondent in the revision petition filed by the petitioner. I make it clear that I have not gone into the merits of the matter. The issue is left to the discretion of the first respondent.

5. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

31.10.2023

Index : Yes / No

Internet : Yes/ No

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NOTE: Issue Order Copy on 01.11.2023



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G.R.SWAMINATHAN, J.

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To

1.The Director of Geology and Mining,
Guindy,
Chennai-2.

2.The District Collector,
Thoothukudi District,
Thoothukudi.

3.The Sub Collector,
Thoothukudi District,
Thoothukudi.

4.The Tahsildar,
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5.The Assistant Director,
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