



WEB COPY

W.P.No.1651 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.1651 of 2024
and
W.M.P.No.1686 of 2024

C.Sivakumar

.. Petitioner

VS

1.The Government of Tamil Nadu
Rep. By its Secretary to Government,
Industries Department,
Fort St.George, Chennai – 600 009.

2.The Director of Geology and Mining,
Department of Geology and Mining,
Guindy, Chennai – 600 032.

3.The District Collector,
Perambalur District, Perambalur.

4.The Deputy Director of Geology and Mining,
Department of Geology and Mining,
Perambalur District,
Perambalur.

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying to issue a writ of certiorari to call for the records relating to
the impugned demand notice of 3rd respondent bearing
Rc.No.70/G&M/2019 dated 21.08.2019 with reference to the patta
land over an extent of 1.29.0 Hectares in S.F.Nos. 336/1, 336/2,



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336/3 and 336/4(P) in Therani Village, Kunnam Taluk, Perambalur District, quash the same.

For Petitioner : Mr.V.Sanjeevi
For Respondents : Mr.E.Vijay Anand
Additional Government Pleader

ORDER

Both learned counsel would accede to the position that the ratio of the order of the First Bench passed in W.A.No.671 of 2020 etc batch dated 15.02.2024 will apply on all fours to the present case as well. Thus, the directions at paragraph 28 of order dated 15.02.2024 are extracted below:-

"28. In the result, we pass the following orders:

(i) The impugned order passed by the learned Single Judge at the Principal Seat is quashed and set aside;

(ii) The impugned orders/memos imposing 100% penalty/cost upon the appellants/petitioners shall be construed as show-cause notices;

(iii) The appellants/petitioners shall file reply to the said show-cause notices, along with all the relevant documents on which they rely, within a period of four weeks from today; and

(iv) The authority shall consider the reply filed by the appellants/petitioners individually and pass fresh orders with regard to imposing of penalty/cost or otherwise."



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2. In light of the above, the same order is taken to be passed in the present writ petition as well.

3. Writ petition stands disposed in terms of this order. No costs. Connected miscellaneous petition is closed.

11.03.2024

Index:Yes/No
Neutral Citation:Yes
ssm

To

- 1.The Secretary to Government,
Industries Department,
Fort St.George, Chennai – 600 009.
- 2.The Director of Geology and Mining,
Department of Geology and Mining,
Guindy, Chennai – 600 032.
- 3.The District Collector,
Perambalur District, Perambalur.
- 4.The Deputy Director of Geology and Mining,
Department of Geology and Mining,
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DR. ANITA SUMANTH,J.

ssm

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