



WEB COPY



W.P.No.5739 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2024

**CORAM :
THE HONOURABLE DR.JUSTICE ANITA SUMANTH**

**W.P.No.5739 of 2024
and
W.M.P.No.6342 of 2024**

P.Mallikarjuna

.. Petitioner

VS

1.The District Collector
Krishnagiri District.

2.The Deputy Director of Geology & Mining
Krishnagiri District
Krishnagiri

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India

praying to issue a Writ of Certiorari to call for the records of the order dated 12.02.2024 passed by the first respondent in proceedings bearing ந.க.3256/2023/பி2 and quash the same.

For Petitioner : Mr.K.S.Viswanathan, Senior Counsel
for Ms.T.Hemalatha

For Respondents : Mr.Veda Bhagath Singh
Special Government Pleader



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ORDER

WEB COPY Mr.Veda Bhagath Singh, learned, Special Government Pleader

accepts notice for the respondents and is armed with instructions to enable a final disposal of this matter even today at the stage of admission.

2.The petitioner challenges show cause notice dated 12.02.2024 calling upon him to appear for hearing in connection with an enquiry. The petitioner had participated in a tender for grant of quarry lease in respect of Poramboke land in S.F.Nos.754 and 760 (Part-4), Kamandoddi Village, Shoolagiri Taluk, Krishnagiri District on 07.12.2018, wherein he was declared as highest bidder, and the lease was confirmed in his favour.

3.The petitioner has thereafter been making representations seeking demarcation of the boundaries of lands, both his as well as those in proximity, on the basis that there was no clarity in regard to the boundaries of the lands in that area.

4.While this is so, he received a notice of enquiry dated 22.01.2024 also referring to a survey report, fixing the date of hearing as 31.01.2024. The petitioner had appeared on 31.01.2024 and sought an adjournment. He was thereafter in receipt of impugned notice dated 12.02.2024 fixing the enquiry on 21.02.2024. On 21.02.2024, he also appeared and sought



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copies of certain documents referred to in the show cause notice, which he claims have not been supplied to him.

5.While so, and instead of awaiting the documents and conduct of enquiry, the petitioner has instituted the present writ petition on 29.02.2024 challenging the show cause notice.

6.This Court is of the categorical view that the writ petition is premature insofar as notice issued now is only a show cause notice for which, in fact, the petitioner has duly responded.

7.Needless to say, prior to proceeding of enquiry, the respondents shall make available to the petitioner all documents which they seek to rely upon, including inspection and enquiry report received from the authorities to enable the petitioner to mount a proper defence. Let proceedings be go on as scheduled and be concluded in accordance with law.

8.Mr.Veda Bhagath Singh would submit that the authority who has issued notice has, in fact, not been arrayed as a party and hence the writ petition is not even maintainable for non-joinder of necessary parties. While this may be so, since the substantial prayer is itself being dismissed, the Court does not find any necessity to go into the question of maintainability.



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9.This writ petition stands dismissed. No costs. Connected

miscellaneous petition is closed.

07.03.2024

Index: Yes/No

Speaking Order

Neutral Citation: Yes

vs

To

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DR.ANITA SUMANTH,J.

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