



W.P.(MD) No.22243 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD) No.22243 of 2019

N.Ganesh Raja

.. Petitioner

Vs

The District Collector,
Tirunelveli,
Tirunelveli District.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records on the file of the respondent in relation to the impugned order in Na.Ka.No.M1/29423/2019-5 dated 20.8.2019 in respect of mining lease for mining of limestone from the petitioner's patta comprised in Survey Nos.403/1A, 403/2, 403/3, 404/1, 404/2A, 404/2B1, 404/2B2, 404/2B3, 404/2B4, 405, 406/1, 406/2, 407/1A, 407/1B2/1, 407/1B2/2, 408/1A, 408/1B, 408/1C, 408/2, 408/3, 409/1, 409/2A and 409/2B over an extent of 4.08.5 Hectares situate in Abishekapatti Village, Tirunelveli Taluk and District and quash the same.

For the Petitioner : Mr.S.Senthil

For the Respondent : Mr.E.Vijay Anand
Addl. Government Pleader



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ORDER

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(Order of the court was made by the Hon'ble Chief Justice)

Heard Mr.S.Senthil, learned counsel for the petitioner; and, Mr.E.Vijay Anand, learned Additional Government Pleader for the respondent.

2. It is not disputed that the issue involved in this writ petition is covered under the judgment and order passed by the Division Bench of this court dated 15.2.2024 in W.A.Nos.671 of 2020 with connected writ appeals and W.P.No.31399 of 2018 with connected with petitions.

3. In the light of that, we adopt the same course and pass the following order:

(i) The impugned order imposing 100% penalty/cost upon the petitioner shall be construed as a show-cause notice;

(ii) The petitioner shall file reply to the said show-



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cause notice, along with all the relevant documents on which he relies upon, within a period of four weeks from today; and

(iii) The authority shall consider the reply filed by the petitioner and pass fresh orders with regard to imposing of penalty/cost or otherwise.

4. As we have remitted the matter back to the authority concerned on the ground that the principles of natural justice were not adhered to, we have not considered the other contentions raised by learned counsel on either side. They are kept open.

The writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, W.M.P.(MD) No.19018 of 2019 is closed.

(S.V.G., CJ.)

(J.S.N.P., J.)

05.04.2024

Index : Yes/No
Neutral Citation : Yes/No
sasi



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To
The District Collector,
Tirunelveli,
Tirunelveli District.



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THE HON'BLE CHIEF JUSTICE
AND
J.SATHYA NARAYANA PRASAD,J.

(sasi)

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