



W.P(MD)No.5472 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5472 of 2024

and

W.M.P.(MD)Nos.5229 and 5230 of 2024

PRAMS Mines,
Rep by its Partner,
C.Rengadurai,
19A/9, Natarajapuram,
Musiri 621 211,
Tiruchirapalli District.

... Petitioner

Vs.

- 1.The District Collector,
Collectorate,
Tiruchirapalli.
- 2.The Assistant Director,
Dept. of Geology and Mining,
Collectorate, Tiruchirapalli.
- 3.The Revenue Inspector,
Thumbalam Firka,
Musiri Taluk,
Trichy District.

... Respondents

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 in respect of impugned Memo in Na.Ka.No.600/2019/Kanimam dated 02.09.2019, in



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continuation of the same the 1st respondent passed proceeding dated 27.09.2023 in R.C.E1/34616/2023 (3) and quash the same.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.T.Villavankothai,
Addl. Government Pleader.

ORDER

Heard both sides.

2.The petitioner challenges the memorandum dated 02.09.2019 levying penalty on them to the tune of Rs.28,12,485/-. The said order is sought to be enforced vide proceedings dated 27.09.2023. Challenging both, the present writ petition came to be filed.

3.When the matter taken up for hearing, the learned counsel for the petitioner submitted that the issue on hand is covered by the order dated 17.10.2023 passed by the Hon'ble First Bench in W.A.Nos.91 of 2021 etc batch. The Hon'ble First Bench had held that such orders which were passed without complying with the principles of natural justice can be treated as show cause notice.



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4. In that view of the matter, the recovery order dated 27.09.2023 is set aside. The memorandum dated 02.09.2019 shall be treated as show cause notice. The petitioner shall offer his response to the first respondent within a period of two weeks from the date of receipt of a copy of this order. The first respondent shall thereafter hold enquiry and pass final order on merits and in accordance with law. If the petitioner fails to offer his explanation within the period aforesaid, it will open to the first respondent to enforce the impugned order.

5. With the liberty to the petitioner and direction to the first respondent, this writ petition is partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

03.04.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

1. The District Collector,
Collectorate,
Tiruchirapalli.



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ias

2.The Assistant Director,
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