



W.P(MD)No.7450 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 26.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7450 of 2024
and
W.M.P(MD)No.6844 of 2024

T.Asaithambi

... Petitioner

Vs.

1.The District Collector,
Theni District.

2.The Revenue Divisional Officer
cum Sub Divisional Magistrate,
Uthamapalayam,
Theni 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 relating to the impugned order vide Na.Ka.No. 5348/2023/A4 dated 12.02.2024 on the file of the second respondent and quash the same.



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For Petitioner : Mr.R.Venkateswaran
For Respondents : Mr.D.Gandhi Raj
Special Government Pleader

ORDER

Heard both sides.

2.The second respondent has passed the impugned order dated 12.02.2024 levying penalty to the tune of Rs.17,24,232/-. According to the respondents, the petitioner had indulged in illicit quarrying. It is challenged on the ground that it was not preceded by the show cause notice. The Hon'ble First Bench, in the recent past held such order can be treated as show cause notice. Respectfully adopting the very same approach, it is declared that the impugned order will be treated as a show cause notice. The petitioner is at liberty to offer his response. If the petitioner wants to respond, he must give his explanation within a period of four weeks from the date of receipt of a copy of this order. Thereafter, the second respondent shall pass an appropriate order on merits and in accordance with law after considering the petitioner's explanation. If the



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petitioner fails to offer his explanation within four weeks, the impugned order can be enforced.

3.This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

26.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

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G.R.SWAMINATHAN, J.

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