



W.P.(MD) No.19910 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD) No.19910 2024

and

W.M.P.(MD)Nos.16865 and 16866 of 2024

S.Malarkuzhali

...Petitioner

-VS-

1.The District Collector,
Collectorate Campus,
Madurai,
Madurai District.

2.The Deputy Director,
Department of Geology and Mining Department,
O/o.The Deputy Director of Geology and Mining,
Madurai.

3.The Revenue Divisional Officer,
Madurai Division, Madurai.

4.The Tahsildar,
Taluk Office,
Madurai,
Madruai District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings in Pa.Mu.No.



W.P.(MD) No.19910 of 2024

280/2024/C, dated 14.03.2024 passed by the third respondent and quash the same and consequently to consider the petitioner's representation dated 13.05.2024.

For Petitioner : Mr.S.Vikram
For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order of the third respondent dated 14.03.2024 imposing penalty on the petitioner under the provisions of Tamil Nadu Minor Mineral Concession Rules, 1959 for illegally removing soil in the subject property and seeking a direction to consider the petitioner's representation dated 13.05.2024.

2.Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

3.The contention of the petitioner is that the subject properties do not belong to the petitioner. In revenue records, the name of the petitioner has been wrongly recorded. In this regard, the petitioner had given several representations to mutate the revenue records. But the



W.P.(MD) No.19910 of 2024

same has not been done so far. While so, now on the allegation that in the subject property, which does not belong to the petitioner, some mines and mineral were illegally dug, the third respondent had imposed the fine to the tune of Rs.20,91,688/-.

4. Against the order passed by the third respondent, there is an alternative appeal remedy under Rule 36 -C of the Tamil Nadu Minor Mineral Concession Rules, 1959 before the District Collector.

5. In such circumstances, this Court is not inclined to entertain this writ petition or delve into the merits of the controversy involved in this matter. Accordingly, this writ petition is dismissed. The petitioner is at liberty to file an appeal by raising all the contentions raised in this writ petition to be determined in accordance with law. No costs. Consequently, the connected Miscellaneous Petitions are closed.

21.08.2024

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

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N.SATHISH KUMAR, J.

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