



W.P.(MD)No.25613 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.10.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.25613 of 2024

and

W.M.P.(MD)No.21715 of 2024

Arun Kumar

... Petitioner

/Vs./

1.The Revenue Divisional Officer,
Thoothukudi,
Thoothukudi District.

2.The Tahsildar,
Srivaikundam Taluk,
Thoothukudi District.

3.The Assistant Director,
Department of Geology and Mining,
Thoothukudi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the order passed by the 1st respondent in proceedings Na.Ka. Aa2/22/2023 dated 19.07.2024 and set aside the same as illegal.



W.P.(MD)No.25613 of 2024

For Petitioner : Mr.V.Meenakshi Sundaram
for Mr.V.M.Jegadeesha Pandian
For Respondents : Mr.A.Kannan
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned order dated 19.07.2024 passed by the first respondent imposing penalty of Rs.80,34,300/- under Section 36(A) of the the Tamil Nadu Minor Mineral Concession Rules, 1959.

2. Heard Mr.V.Meenakshi Sundaram, learned counsel appearing for the petitioner, and Mr.A.Kannan, learned Additional Government Pleader appearing for the respondents.

3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The petitioner has challenged the impugned order on the ground of violation of principles of natural justice, as he contends that he was



W.P.(MD)No.25613 of 2024

not granted sufficient time to produce the relevant documents to prove that he is not guilty of any violation of the Mines and Minerals (Development and Regulation) Act, 1957 and its Rules.

5. According to the petitioner, the conclusion made by the second respondent with regard to the measurement of the gravel at the petitioner's premises is not supported by any documentary evidence. The petitioner contends that he has got sufficient documents to prove that he has not committed any violation, but only due to the fact that he was not granted sufficient time, he cannot produce those documents before the second respondent before passing of the impugned order.

6. Admittedly, the present writ petition is the second writ petition filed by the very same petitioner. Earlier, a similar impugned order was passed on 17.04.2023, which was quashed by this Court on 20.12.2023 in WP(MD)No.30380 of 2023 on the ground of violation of principles of natural justice and remanded back to the very same respondent for fresh consideration.



W.P.(MD)No.25613 of 2024

WEB COPY

7. As seen from the impugned order herein, to the notice sent by the second respondent, the petitioner has expressed that he is sick and had sought time for submitting his reply. Ultimately, the petitioner sent a reply, but he could not produce the documents to support his case that he has not committed any violation of the Mines and Minerals (Development and Regulation) Act, 1957 and its Rules.

8. The learned counsel appearing for the petitioner would now submit on instructions that if sufficient time is granted, the petitioner is willing to submit all the relevant documents to substantiate his case that he has not violated any of the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 and its Rules.

9. The learned Additional Government Pleader appearing for the respondents has also not raised any serious objection, if the matter is remanded back to the very same respondent for fresh consideration and liberty is granted to the petitioner to submit all the relevant documents in support of the petitioner's case and a direction is issued to the first respondent to pass final orders, after giving due consideration to the



W.P.(MD)No.25613 of 2024

documentary evidence produced by the petitioner within a time frame to be fixed by this Court.

10. For the foregoing reasons, in view of the fact that the petitioner was not granted sufficient opportunity to produce documentary evidence to prove his innocence, this Court quashes the impugned order dated 19.07.2024 passed by the first respondent and the matter is remanded back to the first respondent for fresh consideration on merits and in accordance with law, and a direction is issued to the petitioner to submit all relevant documents in support of his case that he has not violated any of the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 and its Rules, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the documentary evidence, the first respondent shall pass final orders on merits and in accordance with law, after considering the documentary evidence produced by the petitioner as well as the explanation submitted by the petitioner, within a period of twelve weeks thereafter.



W.P.(MD)No.25613 of 2024

WEB COPY

11. In the result, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

25.10.2024

Index : Yes / No
NCC : Yes / No
sm



W.P.(MD)No.25613 of 2024

WEB COPY

TO:-

- 1.The Revenue Divisional Officer,
Thoothukudi,
Thoothukudi District.
- 2.The Tahsildar,
Srivaikundam Taluk,
Thoothukudi District.
- 3.The Assistant Director,
Department of Geology and Mining,
Thoothukudi District.



WEB COPY



W.P.(MD)No.25613 of 2024

ABDUL QUDDHOSE, J.

Sm

Order made in
W.P.(MD)No.25613 of 2024

Dated:
25.10.2024