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WP Nos. 187 & 191 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**WP Nos. 187 & 191 of 2025
and WMP Nos. 199 & 204 of 2025**

B.Dinesh

Petitioner in both W.Ps

Vs

1. The District Collector
Perambalur District, Perambalur 621 212

2.The Sub Collector
Perambalur 621 212

Respondents in
W.P.No.187 of 2025

1.The Sub Collector
Perambalur 621 212

2.The District Collector
Perambalur District,
Perambalur 621 212

Respondents in
W.P.No.191 of 2025



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PRAYER in W.P.No.187 of 2025 Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, call for the records relating to the impugned order of the 1st Respondent District Collector, Perambalur in Ref Rc. No.36/G&M/2023 dated 21.11.2024, quash the same.

PRAYER in W.P.No.191 of 2025 Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, call for the records relating to the impugned order of the 1st Respondent Sub Collector, Perambalur in Ref Na.Ka.No.A1/4266/2024 dated 22.11.2024, quash the same.

For Petitioner(s) Mr.V.Sanjeevi
in both WPs:

For Respondent(s) Mr.M.Suresh Kumar
in WP No.187 of Additional Advocate General
2025: assisted by
 Mr.E.Vijay Anand
 Additional Government Pleader
 for R1 and R2

For Respondent(s) Mr.M.Suresh Kumar
in WP No.191 of Additional Advocate General
2025: assisted by
 Mr. Stalin Abimanyu,
 Additional Government Pleader
 for R1 and R2



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ORDER

The issue involved in both these writ petitions can be taken up together, since they are interconnected and they arise out of the same set of facts.

2.W.P.No.187 of 2025 has been filed challenging the proceedings of the 1st respondent dated 21.11.2024, wherein, the lease granted in favour of the petitioner for a period of ten years from 22.12.2021 to 21.12.2031 was cancelled as per Rule 36(5)(h) of the Tamil Nadu Minor Minerals Concession Rules, 1959 (herein after referred to as “the Rules”).

3.W.P.No.191 of 205 has been filed challenging the proceedings of the Sub Collector, Perambalur dated 22.11.2024, imposing penalty against the petitioner to the tune of Rs.76,96,320/-.

4.The case of the petitioner is that he was a successful tenderer for a



period of ten years pursuant to the Tender-cum-Auction held on 31.10.2019.

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The petitioner completed all the formalities and the Lease Deed came to be executed in his favour under the Rules for the period from 22.12.2021 to 21.12.2031. Upon execution of the Lease Deed, the petitioner commenced the quarry operation and started to transport the mineral with transport permit given by the Assistant Director of Geology and Mining, Perambalur District on payment of seigniorage fee.

5.The District Collector of Perambalur issued a Show Cause Notice dated 16.08.2024, directing the petitioner to submit his reply as to why the lease granted to him should not be cancelled and penal proceedings should not be initiated under Rule 36 of the Rules on the ground that the petitioner has quarried rough stone in excess of the permitted quantity in the leased area to the extent of 13763.7 CBM and outside the leased area to the extent of 7744.3 CBM. On receipt of this Show Cause Notice, the petitioner gave a reply dated 30.08.2024. Denying the fact that there was no excess quarry in the leased area



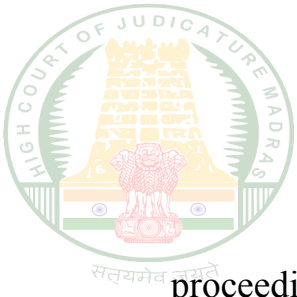
and the petitioner did not carry out any quarry operation in the non leased area.

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6.The 1st respondent thereafter issued notice dated 23.08.2024, asking the petitioner to appear for personal hearing on 04.10.2024. The petitioner appeared before the District Collector and submitted that the drone survey that was carried out is totally incorrect and that no notice was issued to the petitioner before the survey was conducted. The petitioner also took a specific stand that he had quarried only in the lease hold area and within the permitted limits.

7.The 1st respondent viz., the District Collector through proceedings dated 21.11.2024, cancelled the lease as per Rule 36(5)(h) of the Rules. Aggrieved by the same, the petitioner has filed W.P.No.187 of 2025.

8.The penalty proceedings were initiated against the petitioner based on the order passed by the District Collector and the Sub Collector through



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proceedings dated 22.11.2024, imposed penalty against the petitioner. The same has been put to challenge in W.P.No.191 of 2025.

9.Counter affidavit has been filed in both the writ petitions. The respondents have taken a stand that after the petitioner had submitted his reply and had questioned the earlier report, the District Collector directed GlobeTek to submit a revised report and accordingly, the revised report was submitted in which it was ascertained that there was no excessive quarry and transportation in the leased area. However, there was quarrying in the non-leased area to the tune of 9815 CBM. Hence, the lease was cancelled and penalty was also imposed. Such action taken by the respondents is justified and they have sought for the dismissal of these writ petitions.

10.This Court has carefully considered the submissions made on either side and also the materials available on record.

11.The main issues that arises for consideration in these writ petitions



a)Whether the order of the Sub Collector imposing penalty against the petitioner suffers from violation of principles of natural justice and

b)Whether the order passed by the District Collector dated 22.11.2024 under Rule 36(5)(h) of the Rules cancelling the lease suffers from any illegality and is in violation of principles of natural justice.

12.Insofar as the second issue is concerned, as per the original Show Cause Notice issued by the District Collector dated 16.08.2024, it was mentioned that the petitioner had quarried rough stone to the tune of 55280.70 CBM within the leased area and 7744.30 CBM outside the leased area. Thus, insofar as the lease area is concerned, the excess quarry was ascertained at 13763.7 CBM.

13.After the notice was issued to the petitioner, the petitioner submitted his reply denying the fact that there was any excess quarry in the leased area



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and that there was no quarry in the non leased area. In the light of the above stand taken by the petitioner, the District Collector decided to undertake a drone survey. Thus, the services of GlobeTek survey was utilized as directed by the Commissioner of Geology and Mining, Chennai. This was done in order to counter check the details of the earlier survey done and since the petitioner had doubted the accuracy of the earlier report. Accordingly, the drone survey was undertaken by GlobeTek survey and the revised report was submitted. As per the revised report, the mineral that was mined within the leased area was ascertained as 39133 CBM and the mineral that was mined outside the leased area was ascertained at 9815 CBM. In view of the same, there was no excessive quarry and transportation insofar as the lease area is concerned. The only dispute is with respect to the quarry that is alleged to have been done outside the leased area to the tune of 9815 CBM.

14.The main ground that was raised by the learned counsel for the petitioner is that when this subsequent drone survey was conducted, the

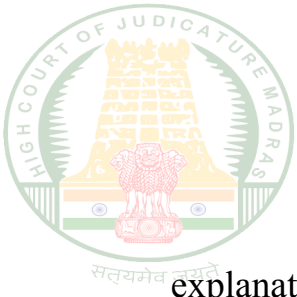


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petitioner should have been put on notice and an opportunity should have been given to the petitioner by giving a copy of the revised report in order to enable the petitioner to submit his reply. Since the same was not done, it is submitted that there is gross violation of principles of natural justice. This is in view of the fact that the petitioner is denying any quarrying outside the leased area.

15.The stand taken by the petitioner carries a lot of weight. The denial of the petitioner regarding the earlier report was taken into consideration by the District Collector. Therefore, it was decided to conduct another drone survey. When such a decision was taken, the petitioner should have been put on notice to be present at the time of the survey. Apart from that, the revised report should have been furnished to the petitioner to enable him to deny the adverse portions in that report.

16.The above procedure has not been followed by the District Collector and therefore, the petitioner did not have an opportunity to give his



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explanation regarding the quarry that is alleged to have been carried out in the non leased area. The same has resulted in the impugned proceedings of the District Collector dated 22.11.2024, cancelling the lease granted in favour of the petitioner. This order has civil consequences and the petitioner should have been given an opportunity before cancelling the lease.

17.The learned Additional Advocate General appearing on behalf of the respondents submitted that the petitioner has an efficacious alternative remedy by way of an appeal to challenge the order passed by the District Collector and therefore, the present writ petition cannot be maintained before this Court.

18.It is true that an appeal lies against the order passed by the District Collector. However, if there is any violation of principles of natural justice, such availability of an alternative remedy cannot come in the way of the Court to exercise its jurisdiction under Article 226 of the Constitution of India. The second issue is answered accordingly.



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19. Insofar as the first issue is concerned, the Sub Collector has straight away passed an order of penalty based on the order passed by the District Collector and this was done even without affording an opportunity to the petitioner. It is only the Sub Collector who has the power to impose penalty. However, such penalty cannot be imposed without giving opportunity to the petitioner. The order passed by the Sub Collector certainly suffers from violation of principles of natural justice. The first issue is answered accordingly.

20. In the light of the above discussion, this Court is inclined to remand the matter back to the file of the District Collector and the Sub Collector. Accordingly, the impugned order of the District Collector dated 21.11.2024, is quashed. Similarly, the impugned proceedings of the Sub Collector, dated 22.11.2024, is also quashed.



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21.Insofar the proceedings of the District Collector is concerned, the matter is remanded back to the file of the District Collector. The District Collector is directed to redo the exercise of conducting the drone survey in line with the guidelines given by the Additional Chief Secretary to Government, dated 30.05.2025. The petitioner shall be present at the time of the survey and the survey report shall also be given to the petitioner. Ultimately, the District Collector shall take a decision after affording an opportunity to the petitioner on its own merits and in accordance with law, within a period of twelve weeks from the date of receipt of copy of this order. If ultimately, the proceedings end up in favour of the petitioner, for the entire period during which the petitioner was not able to quarry, to that extent, the lease period shall be extended.

22.Insofar as the levy of penalty is concerned, the matter is remanded back to the file of the Sub Collector. The Sub Collector will await the order of the District Collector and depending upon the same, final order shall be passed,



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within a period of four weeks after the passing of the order by the District Collector.

23.It is made clear that the petitioner will not carry out any quarry operations, till the final decision is taken by the District Collector.

24.In the result, both the writ petitions are allowed with the above directions. No Costs. Consequently, connected miscellaneous petitions are closed.

21-08-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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WP Nos. 187 & 191 of 2025

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To

1.The District Collector
Perambalur Distret, Perabalur 621 212

2.The Sub Collector
Perambalur 621 212



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WP Nos. 187 & 191 of 2025

N.ANAND VENKATESH J.

SSR

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