



WEB COPY



M.DHANDAPANI, J.

KKN

W.P.No.201 of 2024

17.12.2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.201 of 2024

and

W.M.P.Nos.235 and 236 of 2024

K.Kothandan

... Petitioner

Vs.

1.The Sub-Collector,
Tiruvallur.

2.The District Collector,
Tiruvallur District,
Tiruvallur.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the impugned order of the first respondent Sub~Collector, Tiruvallur passed in proceedings Na.Ka.No.1611/2019/A1 dated 09.09.2019, levying penalty against the petitioner, quash the same.

For Petitioner : Mr.V.Sanjeevi

For Respondents : Mr.Stalin Abhimanyu

Additional Government Pleader



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ORDER

This writ petition has been filed seeking issuance of Writ of Certiorari to call for the records relating to the order of the first respondent in proceedings Na.Ka.No.1611/2019/A1 dated 09.09.2019, levying penalty against the petitioner, quash the same.

2.The learned counsel appearing for the petitioner submitted that the petitioner got consent from the owners of the land in S.F.Nos.266/2 and 268/3 in Tholavedu Village, Uthukkottai Taluk, Tiruvallur District and made application for quarrying brick earth (savadu) and the second respondent vide proceedings dated 31.12.2018 granted permission for the volume of 3098 cu.m. (516 lorry loads). Subsequently, the Tahsildar conducted inspection and filed report before the first respondent as if the petitioner was quarrying 52,920 units of land from grazing poromboke non-lease hold area and on the same day, the first respondent passed the impugned order. The learned counsel further submitted that the first respondent without conducting any enquiry on the Tahsildar's report, passed the impugned order, which is clear violation of principles of natural justice.



3.The learned Additional Government Pleader appearing for the respondents fairly submitted that this Court may set aside the impugned order and issue direction to treat the impugned order as show cause notice and permit the petitioner to file his reply/ objection before the first respondent and issue direction to the first respondent to consider the said reply/ objection, conduct enquiry and to pass appropriate orders.

4.Perusal of the impugned order reveals that before passing the impugned order no notice was issued to the petitioner and no enquiry was conducted, which is clear violation of principles of natural justice.

5. In view of the above, this Court without expressing any opinion on the merits of the case, directs the respondents to treat the impugned order as show cause notice and permits the petitioner to file his reply/ objection before the first respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such reply/ objection from the petitioner, the first respondent is directed to consider the same, conduct enquiry and pass appropriate orders, within a period of twelve weeks thereafter.



M.DHANDAPANI,J.

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6.The writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

10.11.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

- 1.The Sub-Collector,
Tiruvallur.
- 2.The District Collector,
Tiruvallur District,
Tiruvallur.

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