



W.P.No.771 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 10.01.2025

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.771 of 2025
and W.M.P.No.939 of 2025

V.Nagabhusanam

... Petitioner

VS.

1.The District Collector,
Krishnagiri District,
Krishnagiri.

2.The Revenue Divisional Officer,
Hosur,
Krishnagiri District.

3.The Tahsildar,
Shoolagiri Taluk,
Shoolagiri,
Krishnagiri District.

4.The Tahsildar,
Denkanikottai Taluk,
Denkanikottai,
Krishnagiri District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the Respondents from taking coercive proceedings against the Petitioner for recovering the amount



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pursuant to the order of the 2nd Respondent Revenue Divisional Officer, Hosur passed in Ref.Na.Ka.No.5926/2021/B2 dated 21.03.2022 under the Tamil Nadu Revenue Recovery Act, 1864, till the disposal of the Appeal dated 13.07.2024 (sent by RPAD on 15.07.2024) pending on the file of the 1st Respondent District Collector, Krishnagiri.

For Petitioner : Mr.V.Sanjeevi

For Respondents : Mr.G.Ameedius
Government Advocate

ORDER

By consent of both the learned counsel appearing for the petitioner as well as respondents, this writ petition is disposed of at the admission stage itself.

2. The petitioner herein seeks issue of Writ of Mandamus, forbearing the respondents from taking any coercive steps against the petitioner for recovery of the amount pursuant to the order passed by the 2nd respondent dated 21.03.2022, when the appeal filed by the petitioner challenging the order is pending before the 1st respondent.



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3. It is the case of the petitioner that the 2nd respondent passed an order in Ref.Na.Ka.No.5926/2021/B2, dated 21.03.2022 against the petitioner imposing a penalty of Rs.44,74,66,218/- for alleged violation of permit granted to the petitioner under Rule 36(A)(1) and (3) of the Tamil Nadu Minor Mineral Concession Rules, 1959. It is further stated by the petitioner that the order passed by the 2nd respondent was not known to him and the same came to his knowledge only when he was served with Form-4 notice under Section 25 of the Tamil Nadu Revenue Recovery Act, 1864. Immediately, the petitioner made a request to the 2nd respondent to furnish him with a copy of the order dated 21.03.2022 by submitting a representation dated 04.06.2024. Subsequently, the 2nd respondent furnished the copy of the order only on 14.06.2024. After receipt of the said order, the petitioner filed a Statutory Appeal dated 13.07.2024 before the 1st respondent under Rules 36C(1) of the Tamil Nadu Minor Mineral Concession Rules, 1959 and the same was sent by registered post on 15.07.2024. When the Statutory Appeal filed by the petitioner is still pending, the 1st respondent is taking coercive steps to recover the above said amount as ordered by the 2nd respondent. Therefore, the petitioner has come before this Court.

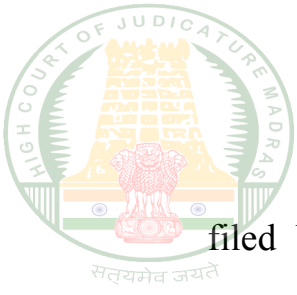


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WEB COPY 4. Mr.G.Ameedius, learned Government Advocate, who is taking notice for the respondents would submit that the appeal filed by the petitioner appear to be time barred and hence, the petitioner is not entitled to the prayer sought for before this Court.

5. It is the case of the petitioner that the original order passed by the 2nd respondent was not served on him and the fact of said order came to his knowledge only after receipt of Form-4 notice issued under the Revenue Recovery Act during June-2024. Immediately, the petitioner submitted a representation before the 2nd respondent seeking copy of the order and the same was furnished to the petitioner only on 14.06.2024.

6. In view of the same, the 1st respondent is directed to consider the appeal filed by the petitioner dated 13.07.2024 and pass final orders on its own merits and in accordance with law, within a period of six weeks from the date of receipt of copy of this order. The 1st respondent is entitled to go into all the questions including the question of alleged delay in filing appeal. Till the final orders are passed by the 1st respondent in the appeal



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filed by the petitioner, no coercive steps shall be taken to recover the amount as per the order passed by the 2nd respondent.

7. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

10.01.2025

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm

To

1. The District Collector,
Krishnagiri District,
Krishnagiri.
2. The Revenue Divisional Officer,
Hosur,
Krishnagiri District.
3. The Tahsildar,
Shoolagiri Taluk,
Shoolagiri,
Krishnagiri District.
4. The Tahsildar,
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S.SOUNTHAR, J.

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