



W.P.No.10213 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2025

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.10213 of 2025

and

WMP.Nos.11484, 11485, 11486 & 45662 of 2025

Subramani

... Petitioner

Vs.

- 1.The Commissioner,
Department of Geology and Mining,
Guindy,
Chennai-600 032.
- 2.The District Collector,
Namakkal District.
- 3.The Revenue Divisional Officer,
Namakkal,
Namakkal District.
- 4.The Assistant Director of Geology and Mining,
Namakkal,
Namakkal District.
- 5.The Tahsildar,
Sendamangalam,
Namakkal District.
- 6.Loganathan



W.P.No.10213 of 2025

7.Muthusamy

8.S.Gowshik Prabhu @ Mani

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 02.12.2024 in Na.Ka.No.4376/2024/M1 passed by the third respondent, quash the same as arbitrary, illegal and malafide and consequently, direct the respondents 1 and 2 to conduct de nova enquiry by appointing independent and fair officers for conducting field inspection.

For Petitioner	:	Mr.G.Sankaran, Sr. Counsel for M/s.N.Naganathan
For Respondent Nos.1 to 5	:	Mr.Stalin Abimanyu, AGP
For Respondent-6	:	Mrs.G.V.Seethalakshmi

ORDER

The impugned order passed by the third respondent dated 02.12.2024, is put under challenge in the present Writ Petition. Further, the petitioner seeks a direction to the respondents 1 and 2 to conduct de nova enquiry by appointing independent and fair officers for conducting field inspection.



W.P.No.10213 of 2025

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2. Heard the learned counsels on either side.

3. The short facts of the case is as follows:

3.1. The petitioner is the absolute owner of the land in patta No.225/2 (0.48.0), 225/4 (0.15.0) & 225/7 (0.26.0) measuring to an extent of 0.89.0 hectares in Kondamanaickenpatti Village, Senthamangalam Taluk, Namakkal District. He applied for grant of lease to operate stone quarry in the aforesaid lands for a period of five years. After enquiry, the first respondent had granted license through proceedings dated 03.12.2021 and the petitioner is carrying on his quarry operation within the patta land in compliance of the conditions of lease. While that being so, the third respondent issued a notice of enquiry dated 18.11.2024 stating that the fourth respondent has sent a report that the petitioner is carrying out illegal quarry in the Government Poramboke land in S.No.225/2 and called him for enquiry on 22.11.2024 at his office, but on the said date, despite the presence of the petitioner, no enquiry was conducted due to the absence of the third respondent and he has submitted a statement to the VAO, that he only carried out quarry in his patta land as per the lease granted by the department and no way connected with the Government poramboke land in Survey No.225/1. In this backdrop, the



W.P.No.10213 of 2025

impugned order was passed by the third respondent imposing sewerage fee and penal charges to the tune of Rs.99,24,400/- for the removal of rough stone and gravel sand from the land in S.No.225/1.

4. Aggrieved by the same, the present Writ Petition has been filed.

5. The learned Senior Counsel for the petitioner submitted that the revenue records itself shows that the petitioner's land is a proper patta land and after obtaining necessary lease license, the petitioner is operating the quarry and he has no nexus with the parai poramboke land in Survey No.225/1 and never indulged in any such illegal act. He contended that the report has been sent by the sixth respondent in his capacity as fourth respondent in collusion with the respondents 7 & 8 for personal gain and though appeal remedy is available to the petitioner as per Rule 36(c)(1) of the Tamil Nadu Minor Mineral Concession Rules, 1959 before the District Collector, Namakkal, he has not preferred the same on the ground that the land mentioned in the impugned order where illegal quarry activities have been carried out is no way connected with the petitioner and the order impugned has been passed without affording an opportunity to the petitioner and hence, he has approached this Court by way of the present petition.



W.P.No.10213 of 2025

WEB COPY

6. The learned Additional Government Pleader appearing on behalf of the respondents 1 to 5 fairly submitted that the impugned order passed by the third respondent may be set aside and the matter may be remanded back to him for a fresh consideration.

7. Considering the facts and circumstances of the case and taking note that no opportunity was afforded to the petitioner before passing the impugned order by the third respondent and also in view of the fair submission made by the learned Additional Government Pleader, the impugned order dated 02.12.2024 of the third respondent is hereby set aside. This Court remands back the matter to the third respondent for a fresh consideration. The third respondent shall conduct an enquiry in this matter afresh, after affording an opportunity of hearing to the petitioner as well as the adjacent land owners and aggrieved parties, if any, in regard to the subject issue and shall pass appropriate orders in accordance with law as expeditiously as possible.



W.P.No.10213 of 2025

8. With the above directions, this Writ Petition stands allowed.

Consequently, connected Miscellaneous Petitions are closed. There shall be no orders as to costs.

30.10.2025

Index: Yes/No

NCC : Yes/No

Order : Speaking/Non Speaking

DP



W.P.No.10213 of 2025

WEB COPY

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