



WEB COPY



W.P.No.2996 of 2024

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.2996 of 2024

And

W.M.P.Nos.3267 and 3268 of 2024

K.Varadarajulu

... Petitioner

Vs.

1.The District Collector,
Tiruvallur.

2.The Tahsildar,
Ponneri Taluk,
Ponneri.

3.The Revenue Inspector,
Redhills,
Chennai – 600 052.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for records relating to the proceedings of the District Collector made in R.C.No.40734/2023/D3 dated 20.11.2023 and consequential proceedings of the Tahsildar made in Na.Ka.No.2324/2023/A4 dated 27.12.2023, served on 09.01.2024 by the third respondent and quash the same.

For Petitioner : Mr.M.Muthappan

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 calling for records relating to the proceedings of the District Collector made in R.C.No.40734/2023/D3 dated 20.11.2023 and consequential proceedings of the Tahsildar made in Na.Ka.No.2324/2023/A4 dated 27.12.2023, served on 09.01.2024 by the third respondent and quash the same.

2.The learned counsel appearing for the petitioner submitted that the petitioner made application dated 27.02.2025 for quarrying 5000 lorry loads of savudu (ordinary earth) in S.F.No.205 part in Nerkundram Village, Ponneri Taluk, Tiruvallur District and the petitioner was granted mining lease in the Panchayat Union Lake in S.F.No.205 part in Nerkundram Village for the quantity of 4720 lorry loads for a period of 45 days from 26.04.2017 to 09.06.2017 vide proceedings of the District Collector dated 26.04.2017. However, after a period of nearly six years, suddenly, the impugned proceedings were issued, stating that the Tahsildar, Ponneri is empowered to recover a sum of Rs.5,16,217/- including interest amount calculated upto 31.03.2023 from the petitioner's firm under Section 5 of the Revenue



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Recovery Act.

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3.The learned counsel appearing for the petitioner further submitted that the petitioner has already paid the entire amount demanded by the respondents and the period of licence also expired on 09.06.2017. The learned counsel further submitted that on the basis of audit objection, the respondents without issuing any show cause notice and without conducting any enquiry issued the impugned proceedings, which is clear violation of principles of natural justice.

4.The learned Additional Government Pleader appearing for the respondents submitted that quarry lease was granted to the petitioner for quarrying 28,320 cbm of ordinary earth in the subject property for a period of 45 days from 26.04.2017 under Rule 12 of the Tamil Nadu Minor Mineral Concession Rules, 1959. The Accountant General has raised objection that the petitioner is liable to pay a sum of Rs.5,38,080/- towards difference of cost of mineral and the said amount has to be collected from the petitioner. Hence after adjusting the security deposit of Rs.2,86,032/-, the petitioner is liable to pay a sum of Rs.5,16,217/- [Balance principal amount of Rs.2,52,048/- + interest amount as on 31.03.2023 Rs.2,64,169/-] and hence revenue



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recovery proceedings was initiated against the petitioner.

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5.Heard the arguments advanced on either side and perused the materials available on record.

6.The petitioner made application dated 27.02.2025 for quarrying 5000 lorry loads of savudu (ordinary earth) in S.F.No.205 part in Nerkundram Village, Ponneri Taluk, Tiruvallur District and the petitioner was granted mining lease in the Panchayat Union Lake in S.F.No.205 part in Nerkundram Village for the quantity of 4720 lorry loads for a period of 45 days from 26.04.2017 to 09.06.2017 vide proceedings of the District Collector dated 26.04.2017. However, after a period of nearly six years, straight away the impugned proceedings were issued to the petitioner.

7.If at all the respondents want to claim any amount from the petitioner, it is the duty caste upon the respondents to issue show cause notice, conduct enquiry and thereafter raise the demand, however, the respondents have straightaway raised the impugned demand. Hence, this Court is inclined to set aside the impugned proceedings.



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8.The writ petition is allowed. The proceedings of the District Collector dated 20.11.2023 and the consequential proceedings of the Tahsildar dated 27.12.2023, served on 09.01.2024 by the third respondent are set aside. However, liberty is granted to the respondents to issue show cause notice to the petitioner and to pass appropriate orders after conducting enquiry. 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 District Collector,
Tiruvallur.
- 2.The Tahsildar,
Ponneri Taluk,
Ponneri.
- 3.The Revenue Inspector,
Redhills,
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