



W.P.No.10675 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 28.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.10675 of 2025

and

W.M.P.Nos. 12034 & 12033 of 2025

1. THANABAL
2. KAILASAM

... Petitioners

Vs

1. THE DISTRICT COLLECTOR,
NAMAKKAL DISTRICT, NAMAKKAL.
2. THE REVENUE DIVISIONAL OFFICER,
OFFICE OF REVENUE DIVISIONAL OFFICER,
PARAMATHI VELUR MAIN ROAD,
TIRUCHENGODE,
NAMAKKAL DISTRICT.
3. THE TAHSILDAR,
PARAMATHI VELUR MAIN ROAD,
TIRUCHENGODE TALUK,
NAMAKKAL DISTRICT.

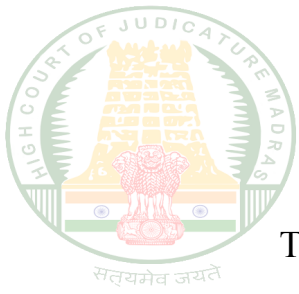
... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, to call for the entire records relating to the impugned order dated 13.11.2024 issued by the third respondent vide proceedings in Roc.No.2452/2024/A2 and quash the same.

For Petitioner : Mr.S.Senthil

For R1 to R3 : Mr.E.Vijay Anand
Additional Government Pleader

ORDER



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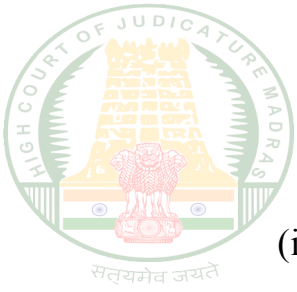
This writ petition is filed challenging the impugned notice made in

WEB CORN Roc.No.2452/2024/A2 dated 13.11.2024.

2. Upon hearing the learned counsel appearing for the petitioner and the learned Special Government Pleader on behalf of the respondents 1 to 4 and perusing the affidavit filed in support of the writ petition and the material records of the case, it can be seen that the grievance of the petitioner is that the notice is now issued for recovery of a sum of Rs. 12,18,280/- which was imposed as a penalty under Rule 36-A of the Tamil Nadu Minor Mineral Concession Rules, 1959.

3. The grievance of the petitioner is that the impugned notice is issued in the name of a deceased person, whereas the petitioner is only the owner of the property. Similarly, a demand notice under Section 25 of the Act was also not issued prior to the issuance of the order of attachment. In this regard, this Court has already passed orders in the connected writ petition in W.P. No.10440 of 2025.

4. In view thereof, this writ petition is disposed of on the following terms:-



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(i) The impugned notice made in Roc.No.2452/2024/A2 dated 13.11.2024. is set aside.

(ii) The matter is remanded back to the second respondent. The second respondent shall be entitled to issue a demand notice in the name of the petitioners, being the current owners of the property and if the amount is not paid within the time limit, thereafter they shall proceed with the attachment of the immovable property. Further proceedings shall be carried out in a time bound manner. The authorities may also consider proceeding simultaneously against the movable properties, as directed in W.P. No. 10440 of 2025.

(iii) Needless to mention that the petitioners will be entitled to raise all their objections regarding the interest portion and its calculation. The same shall be considered by the authority. Consequently, connected miscellaneous petition are closed. No costs.

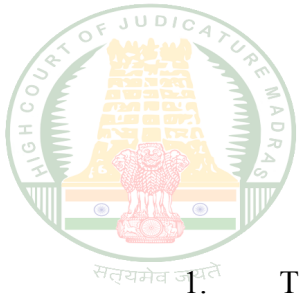
28.03.2025

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Neutral Citation: Yes/No
nsl

To

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2. THE REVENUE DIVISIONAL OFFICER,
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D.BHARATHA CHAKRAVARTHY, J.



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