



W.P.No.10440 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 27.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.10440 of 2025

and

WMP.Nos.11744 & 11746 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 Tahshildar
Paramathi Velur Main Road
Tiruchengode Taluk
Namakkal District.

....Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a 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.2443/2024/A2, and quash the same and to pass such further or other order(s) as this Court may deem fit and proper in the facts and circumstances of the case.

For Petitioners : Mr.S.Senthil

For Respondents : Mr.Stalin Abimanyu
Additional Government Pleader

ORDER

This Writ Petition is filed challenging the impugned order dated 13.11.2024.

2. Upon hearing the learned counsel for the petitioner and perusing the affidavit filed in support of the Writ Petition and the records of the case and upon hearing the learned Additional Government Pleader appearing on behalf of the respondents, it is clear that for carrying out illegal



W.P.No.10440 of 2025

mining of minor minerals a penalty was imposed under Rule 36-A of the Tamil Nadu Minor Mineral Concession Rules, 1959, imposing a penalty of Rs.1,08,23,160/-. The order seems to have become final. Now proceedings are taken under the Revenue Recovery Act to attach the immovable property.

3. The learned counsel for the petitioner would attack the impugned form-11 issued under Section 66 of the Act on the ground that it is in the name of the dead person, namely Ramaswamy, and now the properties are inherited and owned by the first petitioner grandson and the second petitioner is the son of Ramaswamy. Further, no demand notice was also issued prior to the order of attachment. The impugned proceedings also does not refer to any demand notice in any event, it is in the name of the dead person.

4. In view thereof, this Writ Petition is disposed of on the following terms;

(i) The impugned notice dated 13.11.2024 shall stand set aside, within two weeks from the date of receipt of the web copy of the order, without waiting for the certified copy of



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the order, the third respondent shall further proceed with the proceedings under the Revenue Recovery Act in strictly adhering with the provisions. The third respondent is entitled to proceed both against movable and immovable property for realizing the amount. In case of immovable property, third respondent has to issue a demand notice under Section 25 of the Act and thereafter if the amount is not paid within the time specified, pass further orders of attachment and then proceed to sell the properties;

(ii) The third respondent can also simultaneously proceed with reference to movable property by issuing a demand notice and initiating distraint proceedings. Such proceedings, shall be made without further delay, as the penalty is for the period 30.11.2007. The first respondent shall monitor periodically whether the proceedings are taken or not;

(iii) Once the demand notice is issued, the petitioner will be entitled to make the representation regarding the quantum of interest. The petitioner shall also cooperate for all the enquiry;

(iv) With the above direction, this Writ Petition is disposed of, but however, this Court is considering issuing a



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W.P.No.10440 of 2025

general direction regarding following up of such penalty orders that are passed under Section 36-A and already the connected matter in WP.No.10213 of 2025 is pending and it is posted on 17.04.2025. Therefore, list this case also along with the said WP.No.10213 of 2025 for the purpose of issuing general directions. However, as far as the present case is concerned, the matter is disposed of with the above directions for reporting compliance.

(v) No costs. Consequently, connected Miscellaneous Petitions are closed.

27.03.2025
(1/2)

Neutral Citation : No
dna



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