



WEB COPY



W.P.Nos.14048, 14052, 14055 & 14058 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 27.01.2025

PRONOUNCED ON : 17.02.2025

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.Nos.14048, 14052, 14055 & 14058 of 2024

V.V.Mineral,
Rep by its Manager,
S.Raja, aged about 49 years,
S/o.Sakthivel,
Having Office at
No.500, Pantheon Road, Egmore,
Chennai – 600 008.

... Petitioner in all W.Ps

Vs.

- 1.The District Collector,
Collectorate, Thoothukudi District.
- 2.The Additional Chief Secretary to Government,
Natural Resources Department,
Secretariat, Chennai – 600 009.
- 3.The Commissioner of Geology and Mining,
Guindy, Chennai – 600 032.

... Respondents in W.P.No.14048 & 14052 of 2024

- 1.The District Collector,
Collectorate, Kanyakumari District.



W.P.Nos.14048, 14052, 14055 & 14058 of 2024

2.The Additional Chief Secretary to Government,
Natural Resources Department,
Secretariat, Chennai – 600 009.

3.The Commissioner of Geology and Mining,
Guindy, Chennai – 600 032.

... Respondents in W.P.No.14055 of 2024

1.The District Collector,
Collectorate, Tirunelveli
Tirunelveli District.

2.The Additional Chief Secretary to Government,
Natural Resources Department,
Secretariat, Chennai – 600 009.

3.The Commissioner of Geology and Mining,
Guindy, Chennai – 600 032.

... Respondents in W.P.No.14058 of 2024

Prayer in W.P.Nos.14048 & 14052 of 2024: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, calling for the records of the 1st respondent in letter Rc.No.G.M.1/33/2024/Mines, dated 02.05.2024.

Prayer in W.P.Nos.14055 of 2024: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, calling for the records of the 1st respondent in letter Rc.No.600/G&M/2023, dated 14.05.2024.

Prayer in W.P.Nos.14058 of 2024: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, calling for the records of the 1st respondent in letter Rc.No.M2/30182(1)/2023/Mines, dated 02.05.2024.



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W.P.Nos.14048, 14052, 14055 & 14058 of 2024

(In all Writ Petitions)

For Petitioner : Mr.V.Raghavachari, Senior Counsel
for Mr.J.Kingsly Solomon
For Respondents : Mr.Aravind P.Datar, Senior Counsel
asst by Mr.B.Vijay, (for R1-3)
Additional Government Pleader

COMMON ORDER

S.M.SUBRAMANIAM, J.

The aforementioned Writ Petitions have been instituted by the M/s.V.V.Mineral, challenging the notice of hearing issued for recovery of cost of mineral and royalty to the tune of Rs.3581,16,32,739/-.

2. Pending Writ Petitions, this Court passed the following order on 24.05.2024. The relevant portion of the order is extracted herein under,

"Heard both sides.

2. In the impugned show cause notice, the date of enquiry has been mentioned as 22.05.2024, now it is undertaken by the respondents that the enquiry will be held on 27.05.2024 to 30.05.2024.

3. The participation by the petitioner will be without



W.P.Nos.14048, 14052, 14055 & 14058 of 2024

prejudice to the rights in the main writ petition.

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4. List these writ petitions on 04.06.2024"

3. The Writ Court has not stayed the recovery proceedings initiated by the District Collector. Pending the Writ, the Petitioner had participated in the personal enquiry conducted by the District Collector. The competent authority has furnished all the documents and materials relied on the show cause notice. It is well settled principle of law that, a Writ will not lie against a show cause Notice under Article 226 of the Constitution of India, unless such action is actuated by malice in law and without jurisdiction.

4. The Petitioner has not made out any of the limited grounds to interfere with the issuance of show cause Notice. The contention of the petitioner that the materials and documents sought by them were not furnished is factually incorrect. The representation made by the petitioner raising untenable queries and seeking documents, which were not relied in the show cause notice has been rejected. After providing reasonable opportunities of hearing and after examining the replies furnished by the private Respondents, final orders have been passed by the District Collectors of Thoothukudi, Tirunelveli and Kanniyakumari, by invoking the provisions of Section 21(5) of the MMDR Act, towards recovering the price of mineral and royalty for the quantum of minerals



W.P.Nos.14048, 14052, 14055 & 14058 of 2024

unlawfully mined and transported during the pre-ban period. Hence, the Writ

Petitions challenging the notice of hearing are dismissed as devoid of merit.

5. Thus, the W.P.Nos.14048, 14052, 14055 & 14058 of 2024 are dismissed. No costs. Consequently, the connected Miscellaneous Petitions, if any, stand closed.

[S.M.S., J.]

[M.J.R., J.]

17.02.2025

Index: Yes/No

Speaking/Non-speaking order

gd



W.P.Nos.14048, 14052, 14055 & 14058 of 2024

WEB COPY

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Tirunelveli District.
- 5.The District Collector,
Collectorate, Kanyakumari District.



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AND
M.JOTHIRAMAN, J.

gd

Pre-delivery order made in
W.P.Nos.14048, 14052, 14055 & 14058 of 2024

17.02.2025