



W.P.No.15148 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 25.04.2025

CORAM:

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

W.P.No.15148 of 2025

and

W.M.P.Nos.17072 & 17069 of 2025

DILIP BUILDCON LIMITED,
REP. BY ITS AUTHORISED SIGNATORY,
MR. ALOK SINGH,
HAVING ITS REGISTERED OFFICE AT
PLOT NO. 5, INSIDE GOVIND NARAYAN SINGH GATE,
CHUNA BHATTI, KOLAR ROAD, BHOPAL,
MADHYA PRADESH - 462 016.

... Petitioner

Vs

1. THE DISTRICT COLLECTOR,
CUDDALORE COLLECTORATE,
CUDDALORE DISTRICT.
2. THE REVENUE DIVISIONAL OFFICER,
CUDDALORE.
3. THE TAHSILDAR,
CUDDALORE TALUK,
CUDDALORE.
4. THE ASSISTANT DIRECTOR,
DEPARTMENT OF GEOLOGY AND MINING,
CUDDALORE.
5. THE PROJECT DIRECTOR,
NATIONAL HIGHWAYS (45A),
NO. 28 & 29, 1ST CROSS,
GANAPATHY NAGAR,
ARUMATHUPURAM,
PUDUCHERRY – 605 110.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, calling for records of the proceedings relating to the impugned Letter in Na.Ka.No.16/Kanimam/2024, dated 10.10.2024, issued by the first respondent to the fifth respondent and quash the same as arbitrary and illegal.

For Petitioner : Mr.N.R.Elango, Senior Counsel
assisted by Mr.P.S.Prabhu

For R1 to R5 : Mr.Stalin Abimanyu
Additional Government Pleader

ORDER

The writ petition is filed to challenging the impugned order dated 10.10.2024.

2. By the said impugned order, it is ordered that a sum of Rs.3,43,52,980/- that is due from the petitioner company be deducted from the amount payable to the petitioner by the Project Director, National Highways, Puducherry.

3. The learned counsel appearing on behalf of the petitioner submits that, originally, by an order dated 29.04.2024, the above penalty was levied in exercise of powers under Section 36A of the Tamil Nadu Minor Mineral



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Concession Rules, 1959. Aggrieved by the said order, the petitioner filed an appeal on 02.08.2024. However, without disposing of the appeal, the impugned order came to be passed on 10.10.2024. As a matter of fact, the said appeal was re-submitted on 03.02.2025. Without disposing of the appeal filed against the original order, the first respondent/District Collector ought to have passed orders on the appeal. Instead, he has chosen to issue the impugned communication, attaching the amount payable to the petitioner.

4. When the matter came up for admission, the learned Additional Government Pleader appearing on behalf of the respondents 1 to 5, on instructions, submitted that the petitioner subsequently re-presented the appeal on 03.02.2025, even though the appeal was not originally filed within the prescribed time. However, treating the appeal as having been presented within time, hearing notices have been reissued by the District Collector, directing the petitioner to appear for an enquiry in the appeal. Originally, a notice was issued on 10.03.2025 and thereafter, another notice was issued on 09.04.2025. If the petitioner appears before the District Collector, the appeal will be decided in the manner known to law. The learned Additional Government Pleader further submits that no coercive steps will be taken in the meantime.



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WEB COPY 5. In view thereof, this writ petition is disposed of on the following terms:-

(i) The petitioner's appeal dated 02.08.2024 shall be treated as having been filed within the prescribed time and shall be disposed of on merits, in accordance with law.

(ii) The petitioner shall appear before the District Collector on 05.05.2025 or at any later date that may be intimated by the District Collector.

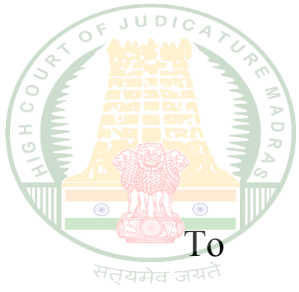
(iii) The appeal shall be disposed of on or before 30.05.2025.

(iv) In the meantime, with respect to the amount payable to the petitioner, status quo shall be maintained.

(v) Consequently, connected miscellaneous petitions are closed. No costs.

25.04.2025

Neutral Citation: Yes/No
nsl



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nsI

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