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W.P.No.27735 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.27735 of 2023
and W.M.P.No.27222 of 2023**

B.Shanmugam

... Petitioner

Vs.

1.The Commissioner of Geology and Mining,
Department of Geology and Mining,
Guindy, Chennai-32.

2.The District Collector,
Krishnagiri District,
Krishnagiri.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records of the first respondent Commissioner of Geology and Mining passed vide his proceedings RC.No.6061/MM4/2022, dated 30.05.2023 levying penalty of Rs.2,52,47,291/- (Rupees Two Crores Fifty Two Lakhs Forty Seven Thousand and Two Hundred Ninety One only) for quarrying granite in the



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non-lease hold area in S.F.No.629 for the volume of 1073.43 Cu.m of granite and in S.F.No.575 for the volume of 364.53 Cu.m in Nagamangalam Village, Denkanikottai Taluk, Krishnagiri District, partly modifying and revising the order of the second respondent, District Collector, Krishnagiri, levying penalty in his proceedings Roc.No.1464/2021/Mines, dated 18.08.2022, quash the same.

For Petitioner : Mr.V.Sanjeevi

For Respondents : Mr.Stalin Abimanyu
Additional Government Pleader

O R D E R

This Writ Petition has been filed challenging the proceedings of the first respondent, namely, Commissioner of Geology and Mining, issued in RC.No.6061/MM4/2022, dated 30.05.2023 levying penalty of Rs.2,52,47,291/- (Rupees Two Crores Fifty Two Lakhs Forty Seven Thousand Two Hundred and Ninety One only) for quarrying granite in the non-lease hold area in S.F.No.629 for the volume of 1073.43 Cu.m of granite and in S.F.No.575 for the volume of 364.53 Cu.m in Nagamangalam Village, Denkanikottai Taluk, Krishnagiri District, partly modifying and revising the



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order of the second respondent, namely, the District Collector, Krishnagiri, levying penalty in proceedings Roc.No.1464/2021/Mines, dated 18.08.2022.

2. The petitioner is a lessee and was granted lease for quarrying granite for a period of 10 years and after 7 years since stoppage of quarrying operation and surrendering lease right by letter dated 03.12.2014, the petitioner was issued with a show cause notice by the District Collector dated 30.12.2021 on the ground of illicit quarrying in the temple land. Inspection was conducted and the petitioner also submitted his reply to the show cause notice, however, did not appear for personal hearing due to his illness. He authorized a person to appear on his behalf. Pursuant to the same, the second respondent, namely, the District Collector, Krishnagiri, passed an order on 18.08.2022 and imposed penalty of Rs.49,38,68,370/-. The petitioner is aggrieved on the ground that no enquiry was conducted pursuant to the show cause notice and therefore, the order is illegal and unsustainable. The petitioner preferred an appeal before the first respondent/Commissioner of Geology and Mining and appeared before the



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first respondent on 22.12.2022, wherein, he made submissions that inspection conducted in the quarrying area was without notice to the petitioner and measurements were taken without his knowledge.

3. Thereafter, the first respondent, vide order dated 27.03.2023, constituted a team for conducting fresh inspection on 11.04.2023 and submitting the report. The second Inspection Team submitted its report dated 26.05.2023 and based on the report, the first respondent confirmed the penalty. Aggrieved by the same, the present writ petition has been filed.

4. The learned Senior Counsel appearing for the petitioner submits that against the impugned proceedings, there is a further appeal available under Rule 36-C(3) of the Tamil Nadu Minor Mineral Concession Rules, 1959, before the Competent Authority and hence, this Court may grant liberty to file an appeal in terms of Rule 36-C(3) of the Tamil Nadu Minor Mineral Concession Rules, 1959.



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5. Heard the learned Senior counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

6. In view of the limited request made by the learned Senior Counsel appearing for the petitioner, this Court, without interfering with the impugned proceedings, permits the petitioner to file an appeal under Rule 36-C(3) of the Tamil Nadu Minor Mineral Concession Rules, 1959, before the Competent Authority within a period of two weeks from the date of receipt of a copy of this order and the Competent Authority is directed to dispose of the appeal preferred by the petitioner within a period of 12 weeks thereafter.

7. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.



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8. Registry is directed to return the original impugned proceedings to the petitioner enabling him to prefer an appeal.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

Note: Issue order copy on **04.11.2025**.

To

1. The Commissioner of Geology and Mining,
Department of Geology and Mining,
Guindy, Chennai-32.
2. The District Collector,
Krishnagiri District,
Krishnagiri.



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M.DHANDAPANI, J.

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