



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 25018 of 2025

AND

WMP NO. 28189 OF 2025

1. K.Jhansi

W/o. Jayaprakash, Panchayat President,
Athimanjeripettai Village, Pallipet
Taluk, Thiruvallur District.

Petitioner(s)

Vs

1. The District Collector
Collectorate, Thiruvallur District,
Thiruvallur.

2.The Revenue Divisional Officer
Tiruthani, Thiruvallur District

3.The Revenue Tahsildar
Pallipet Taluk, Pallipet, Thiruvallur
District

4.The Deputy Director,
Geology And Mines, Collectorate
Office, Thiruvallur

5.The Block Development Officer,



(village Panchayat), Pallipet Panchayat
Union, Pallipet, Thiruvallur District

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Respondent(s)

For Petitioner(s): M/s.R.Arthi
for Mr. P.Krishnan
For Respondent(s): Mr.Stalin Abhimanyu
Additional Government Pleader
for R1 to R4
Mr.M.Muthusam,
Government Advocate for R5

ORDER

This writ petition has been filed challenging the impugned proceedings of the 1st respondent dated 30.10.2024 and for a consequential direction to the 1st respondent to conduct fresh enquiry after affording opportunity to the petitioner and pass orders in accordance with law.

2. Heard M/s.R.Arthi for Mr. P.Krishnan, learned counsel for the petitioner and Mr.Stalin Abhimanyu, learned Additional Government Pleader for Respondents 1 to 4 and Mr.M.Muthusam, learned Government Advocate for 5th respondent.

3. The case of the petitioner is that she was the president of the Panchayat and there was an allegation against her to the effect that she has



illegally mined the gravel by running a quarry. Hence, a complaint was given in this regard by one Pavan Konduru. He sought for the removal of the petitioner from the post of president of the Village Panchayat.

4. In the meantime, the 2nd respondent conducted an inspection and found that an extent of 33 units of gravels were removed. Hence, a report was submitted to the 4th respondent. Even subsequently, an inspection was conducted and reports were submitted. Based on the same, the 1st respondent passed an order on 07.11.2022 under Section 36A of the Tamil Nadu Minor Mineral Concession Rules, 1959 [hereinafter called as the Rules], alleging that the petitioner has caused loss to the tune of Rs,12,28,768/- and the petitioner was directed to deposit the said penalty.

5. Pursuant to the above order, proceedings were initiated for recovery of the penalty amount. A communication in this regard was issued by the 1st respondent through the 2nd respondent dated 15.05.2023. After the same was communicated, the petitioner filed an appeal under Section 36(c) of the Rules along with the petition for stay. The appeal filed by the petitioner as well as the stay petition were not acted upon and the 3rd respondent proceeded to issue a demand notice on 10.08.2023.

6. The petitioner therefore filed a writ petition in WP No.36253 of 2023 before this Court challenging the impugned proceedings of the 1st



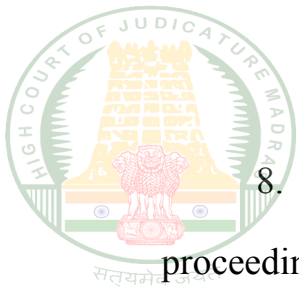
respondent dated 01.12.2023. This writ petition was disposed by an order dated 16.02.2024 in the following terms:-

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4. *Since the petitioner states that it is facing coercive action, there is a direction to R1 to dispose the stay application within a period of one week from today after hearing the petitioner. For this purpose, petitioner is permitted to appear before the District Collector, Thiruvallur on any date between 19th and 23rd of February 2024, between 10.30 am and 5.30 p.m R1 /District Collector, shall grant him audience and shall decide the stay application, in accordance with law.*

5. *To be noted that Rule 36C of the Tamil Nadu Minor Minerals and Concession Rules, 1959, does not specifically provide for filing of petition seeking interim protection. However, and Mr.Vijay Anand, would agree, the powers of the appellate authority would extent to the grant of interim protection as the same is incidental and auxiliary to appellate powers.*

7. Pursuant to the above order, the 1st respondent through the impugned order dated 30.10.2024 rejected the stay application and the appeal filed by the petitioner and aggrieved by the same, the present writ petition has been filed before this Court.



8. In the considered view of this Court, even as per the impugned proceedings of the 1st respondent dated 30.10.2024, the petitioner has a right of appeal and the petitioner even without exhausting this alternative remedy, has straight away approached this Court.

9. The learned counsel for the petitioner submitted that the petitioner was not afforded with any opportunity and the reports that were relied upon were not furnished to the petitioner.

10. In the considered view of this Court, the application seeking for interim order as well as an appeal have been rejected by the 1st respondent. If the petitioner is aggrieved, only an appeal should be filed before the concerned authority under Section 36(c) of the Rules. In the light of such an efficacious alternative remedy available to the petitioner, this Court is not inclined to entertain this writ petition.

11. In view of the above, liberty is granted to the petitioner to file an appeal before the concerned authority under Section 36(c) of the Rules, within a period of two weeks from the date of receipt of a copy of this order. Once the appeal is filed, the same shall be decided by the concerned authority within a period of three months thereafter and final orders shall be passed.



12. This writ petition is disposed of in the above terms. No costs.

Consequently, the connected miscellaneous petition is closed.

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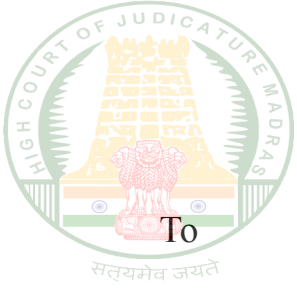
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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