



WEB COPY



W.P. No.25580 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2025

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.25580 of 2021
and W.M.P.No.26996 of 2021

R. Rajendran

... Petitioner

VS.

1. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Industries Department,
Fort St.George, Chennai – 600 009.

2. The Director of Geology and Mining,
Department of Geology and Mining,
Guindy, Chennai – 600 032.

3. The District Collector,
Kancheepuram District, Kancheepuram.

4. The Assistant Director of Geology and Mining,
Department of Geology and Mining,
Kancheepuram District, Kancheepuram.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari, to call for the impugned Memorandum of the 3rd respondent bearing Na.Ka.No.234/Q1/2021-7 dated 07.10.2021 demanding the cost of mineral with reference to the Patta land over an extent of



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1.55.0 Hectares in S.Nos.39/2, 39/4 and 40/1 in Porpanthal Village, Uthiramerur Taluk, Kancheepuram District and quash the same.

For Petitioner : Mr.V.Sanjeevi

For Respondents : Mr.Stalin Abimanyu
Additional Government Pleader
for R1 to R4

ORDER

This writ petition has been filed challenging the impugned memorandum passed by the third respondent dated 07.10.2021.

2. The case of the petitioner is that he was granted quarry lease for quarrying rough stones and earth from the patta land measuring an extent of 1.55.0 Hectares in S.F No.39/2, 39/4 and 40/1 in Porpanthal Village, Uthiramerur Taluk, Kancheepuram District for a period of 5 years commencing from 22.08.2012 to 21.08.2017. However, it is alleged that the petitioner had transported the quantity exceed the EC quantity and therefore, the 3rd respondent imposed a 100% cost penalty to the tune of Rs.1,97,53,557/- as if the petitioner transported exceed EC quantity of 63879 CBM. Challenging the same, the present writ petition has been filed.

3. However, the learned counsel for the petitioner would submit that the present writ petition is filed solely on the ground that, without issuing any



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show-cause to the petitioner, the impugned order was passed. Hence, the impugned order is in clear violation of principles of natural justice.

4. The learned Additional Government Pleader appearing for the respondents 1 to 4 fairly conceded that before passing the impugned order, no show-cause notice was issued and no enquiry was conducted. Hence, for the limited purpose, this Court may set aside the impugned order and remit the matter back to the 3rd respondent for fresh consideration, by fixing a limit time within which an appropriate order shall be passed, after affording an opportunity of hearing to the petitioner.

5. Heard the learned counsel on either side and perused the records.

6. This Court has also perused the impugned order. On a perusal of the impugned order dated 07.10.2021, it is evident that no show-cause notice was issued and no proof has been produced to establish that any enquiry was conducted before passing the impugned order.

7. In view of the fair submission made by the Additional Government Pleader, and without expressing any opinion on the merits of the case, this Court is inclined to set aside the impugned order dated 07.10.2021 passed by the 3rd respondent on the ground of violation of principles of natural justice.



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The matter is remanded back to the 3rd respondent, and he is directed to furnish the necessary particulars to the petitioner and conclude the entire proceedings within a period of four (4) months from the date of receipt of a copy of this order.

8. With the above directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

04.11.2025

(4/6)

Index:Yes/No

Speaking/Non-speaking order

Neutral Citation : Yes/No

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M. DHANDAPANI, J.

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