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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-08-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**WP No. 30246 of 2025
and WMP No. 33930 of 2025**

1. M.Kumaravel

Petitioner(s)

Vs

1. The Commissioner of Geology and Mining
Department of Geology and Mining,
Guindy, Chennai-600032

2.The District Collector
Villupuram District, Villupuram

3.The Sub Collector
Tindivanam, Villupuram District

4.TASILDHAR
Marakkanam, Villupuram District

Respondent(s)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents from taking any coercive steps to recover the amounts as per the proceedings of the 3rd



respondent in Na.Ka.A3/4163/2023 dated 23.8.2023 and also the proceedings of the 4th respondent in Na.Ka.S/1/371/2025 dated 22.7.2025 under the Tamilnadu Revenue Recovery Act, 1864 till the disposal of the petitioner Appeal dated 14.2.2024 filed against the proceedings of the 2nd respondent in Na.Ka.No.A/G and M/124/2023 dated 18.01.2024.

For Petitioner(s): Mr.C.Vigneswaran

For Respondent(s): Mr.E.Vijay Anand
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned form IV notice dated 20.05.2025 issued by the 4th respondent and the consequential notice of attachment dated 23.07.2025 issued by the 4th respondent.

2. Heard Mr.P.S.Prabu, learned counsel for the petitioner and Mr.E.Vijay Anand, learned Additional Government Pleader for respondents.

3. The case of the petitioner is that he was originally granted lease for quarrying gravel and rough stone for a period of five years from 2014 to 2019



in the subject property. A mining lease agreement was also entered into on 23.03.2014, which was registered as document No.519 of 2014.

4. During the month of August 2023, the 3rd respondent called for an enquiry. The petitioner appeared before the 3rd respondent and on his appearance, the notice of hearing was issued and the petitioner was informed that there is violation of removal of excess quantity of minerals from the property. Some report was relied upon and even the copy of the report was not furnished to the petitioner. Thereafter, within three working days, the 3rd respondent issued the proceedings dated 23.08.2023 and levied a penalty of nearly 41 Crores.

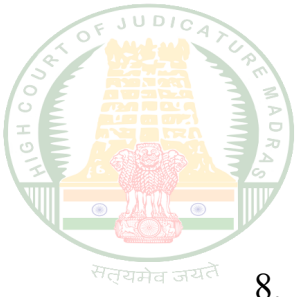
5. The petitioner aggrieved by the same filed an appeal before the 2nd respondent. The appeal filed by the petitioner came to be rejected by the 2nd respondent through proceedings dated 18.01.2024 and thereby, the proceedings of the 3rd respondent was confirmed.



6. The petitioner aggrieved by the same filed an appeal before the 1st

respondent on 14.02.2024 and the said appeal was pending. In the meantime, the 4th respondent issued form IV notice dated 20.05.2025 under the provisions of the Revenue Recovery Act for recovering the penalty amount levied by the 3rd respondent. The petitioner submitted representations bringing to the notice of the 4th respondent that the appeal is pending before the 1st respondent. However, the 4th respondent proceeded to issue notice of attachment signed on 22.07.2025. It is under these circumstances, the present writ petition has been filed before this Court.

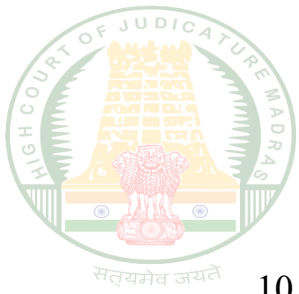
7. The main ground that was urged by the learned Senior counsel appearing on behalf of the petitioner is that for recovery of the penalty from the petitioner, Section 25 contemplates the issuance of a certificate of such officer specified by the State Government in this behalf and no such certificate has been issued in this case since the appeal is pending before the 1st respondent. Therefore, the learned Senior counsel questioned the very initiation of proceedings by the 4th respondent.



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8. The learned Additional Government Pleader appearing on behalf of the respondents submitted that the appeal is pending before the 1st respondent and since there was no interim protection granted to the petitioner, the 4th respondent proceeded to initiate action under the Revenue Recovery Act. The learned Additional Government Pleader further submitted that the stay petition filed by the petitioner before the 1st respondent was filed on 12.02.2024 and notice of hearing was not issued.

9. In the considered view of this Court, the appeal is pending before the 1st respondent. Therefore, it will be more appropriate if the 1st respondent deals with the appeal on merits. Ultimately, depending upon the result of the appeal pending before the 1st respondent, further action can be taken, if required. Without there being any final orders passed by the 1st respondent and without issuance of certificate as contemplated under Section 25 of the Mines and Minerals (Development and Regulation) Act, 1957, the 4th respondent has proceeded with the impugned action against the petitioner.



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10. In the light of the above discussion, the impugned form IV notice issued by the 4th respondent dated 20.05.2025 and the impugned attachment order dated 23.07.2025 issued by the 4th respondent are quashed. There shall be a direction to the 1st respondent to deal with the appeal filed by the petitioner on its own merits and in accordance with law after affording opportunity to the petitioner and final orders shall be passed by the 1st respondent within a period of eight weeks from the date of receipt of a copy of this order.

11. In the result, this writ petition is allowed with the above directions.

No costs. Consequently, the connected miscellaneous petition is closed.

11-08-2025

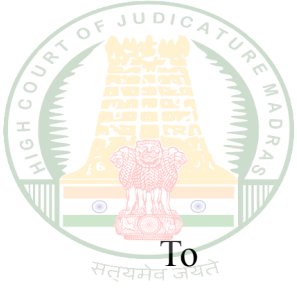
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

SSR



To

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N.ANAND VENKATESH J.

SSR

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