



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.821 of 2025

Galaxy Enterprises,
Rep. by its Proprietor S.R.Kumar,
4B Jeypore Terrace,
354, Avvai Shanmugam Salai,
Gopalapuram, Chennai – 600 086.

... Petitioner

vs.

1.The Government of Tamil Nadu,
Rep. by Additional Chief Secretary to Government (FAC),
Natural Resources Department,
Fort. St. George,
Chennai – 600 009.

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

3.The District Collector,
Ranipet District,
Ranipet.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st Respondent relating to G.O. (D) No.17, Natural Resources (MMB.1) Department, dated 12.10.2023, quash the same and consequently direct the



W.P.No.821 of 2025

1st Respondent to grant renewal of lease to the Petitioner for quarrying granite from the land bearing S.F.No.381/3 admeasuring 2.73.5 Hectares in Ayyapedu Village, Arakonam Taluk, Ranipet District (formerly Vellore District), for a period of 20 years pursuant to the renewal application of the Petitioner dated 03.12.2001.

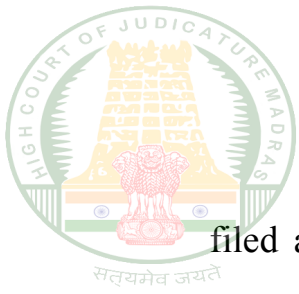
For Petitioner : Mr.V.Sanjeevi

For Respondents : Mr.M.Sureshkumar
Additional Advocate General
for Mr.E.Vijay Anand
Additional Government Pleader

ORDER

The Writ Petition is filed challenging the order passed by the 1st respondent rejecting the applications submitted by the petitioner seeking renewal of lease for quarrying granite from the land bearing S.F.No.381/3, admeasuring 2.73.5 Hectares in Ayyapedu Village, Arakonam Taluk, Ranipet District for a period of 20 years by considering the renewal application of the petitioner dated 03.12.2001.

2. It is not in dispute that the petitioner was earlier granted lease for quarrying granite and the same got expired on 21.09.2000. The petitioner submitted a renewal application seeking renewal of the quarry licence on 03.12.2001 and the same has not been considered. Therefore, the petitioner



W.P.No.821 of 2025

WEB COURT

filed a writ petition before this Court in W.P.No.2563 of 2021 seeking a direction to the 1st respondent to consider the renewal application and pass final orders. This Court disposed the writ petition by directing the 1st respondent to consider the application submitted by the petitioner dated 03.12.2001 and pass final orders on its own merits. Thereafter, the 1st respondent appeared to have sent an enquiry notice on 17.05.2021 in Letter No.1604/MMB.1/2021-1.

3. A perusal of the impugned order would suggest that a personal hearing was conducted on 17.08.2021 wherein various submissions were made by the petitioner. Though personal hearing was conducted on 17.08.2021, the impugned order was passed by the 1st respondent only on 12.10.2023.

4. The learned counsel appearing for the petitioner would submit that personal hearing was conducted by one officer by name-N.Muruganandam, the then incumbent of the 1st respondent office. However, the impugned order has been passed by successor officer without hearing the petitioner. Therefore, according to him, the impugned order passed by the 1st



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respondent is clear violation of natural justice principles. Accordingly, the petitioner seeks quashing of the said order on this short ground. In support of his contention, the learned counsel relied on the judgment of Division Bench of this Court in ***Kamachi Sponge and Power Corporation Limited vs. District Collector*** reported in ***(2019) 3 MLJ 62***.

5. Heard the argument of learned Additional Advocate General appearing for the respondents in this regard.

6. As seen from the averment found in the affidavit filed in support of the writ petition and also the impugned order passed by the 1st respondent, the personal enquiry was conducted pursuant to the direction issued by this Court on 17.08.2021. It is not disputed that the personal enquiry was conducted by the then incumbent of the 1st respondent namely one N.Muruganandam, I.A.S. However, the impugned order has been passed by a different Officer, who held the office on the date of impugned order namely K.Phanindra Reddy.

7. When the matter was heard by previous incumbent of 1st



respondent office and the impugned order was passed subsequently by present incumbent officer, without hearing the petitioner again, we cannot say the principles of natural justice has been complied with. In this regard, it would be appropriate to refer the observation of the Division Bench of this Court in the above mentioned case law, which reads as follows:-

“43. It is to be borne in mind that providing an opportunity of Personal Hearing (with a view to find out anything more remains to be projected or anything has been left out), is not an "Empty Ritualistic Formality". Adhering to the "Principles of Natural Justice" by the concerned Administrative Authority before passing the impugned order, is a cardinal principle of a Judicial System and that the matter is to be decided by the Authority who heard the arguments. In short, the successor taking office of the predecessor, without an iota of simmering doubt, cannot determine the matter without hearing the arguments once again on the ground that the arguments were already advanced before his/ her predecessor, who had left the matter without passing necessary orders. Viewed in that perspective, the impugned Order/Proceedings of the First Respondent/District Collector bristles with legal infirmity in the eye of Law.”

(emphasis supplied by this Court)

8. Therefore, it is clear the impugned order has been passed by the



W.P.No.821 of 2025

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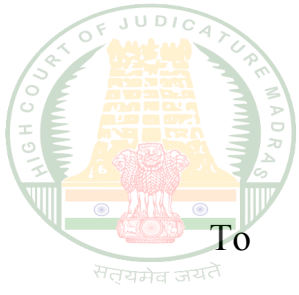
person incumbent Officer of the 1st respondent without hearing the petitioner and the same is liable to be set aside and accordingly, the impugned order passed by the 1st respondent in G.O. (D) No.17, Natural Resources (MMB.1) Department, dated 12.10.2023 is set aside.

9. The Writ Petition stands allowed and the matter is remanded back to the file of 1st respondent with a direction to consider the same afresh and pass final orders on its own merits and in accordance with law, within a period of twelve weeks from the date of receipt of copy of this order, after affording reasonable opportunity to the petitioner.

10. Since the writ petition is allowed on the technical ground, it is open to the petitioner to urge all other points raised in the writ petition before the 1st respondent. No costs.

28.01.2025

Index : Yes
Speaking order: Yes
Neutral Citation: Yes
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W.P.No.821 of 2025

To

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Government of Tamil Nadu,
Natural Resources Department,
Fort. St. George,
Chennai – 600 009.
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W.P.No.821 of 2025

S.SOUNTHAR, J.

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W.P.No.821 of 2025

28.01.2025