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W.P. No.35710 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2025

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THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No.35710 of 2025 and W.M.P.No.39968 of 2025

E. Gobika

... Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Namakkal District.

2. The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruchengode,
Namakkal District.

3. The Assistant Director of Geology and Mining,
Department of Geology and Mining,
Namakkal District.

4. The Tahsildar,
Office of the Tahsildar,
Tiruchengode Taluk,
Namakkal.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to



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issue a Writ of Certiorari to call for the records pertaining to the impugned notice Roc. No. 2446/ 2024/ A2 dated 13.11.2024 in Form No. 11 (Section 36), Notice of Attachment of immovable property issued by the Tahsildar, Thiruchengode, the 4th respondent herein to the petitioner's late father M.Eswaramoorthy in so far as its relates to Patta No. 375 in S.No. 384/2, Extent 2.54.0 Hectare, Patta No. 1124 in Survey No.2.17.0 Hectare and 1287 and Patta No. 310/3, extent 1.32.0 Hectare owned by the petitioner at present in Akkalampatti Village, Thiruchengode Taluk, Namakkal District and quash the same as unsustainable in law.

For Petitioner : Mr. C. V. Vijayakumar

For Respondents : Mr. E. Vijay Anand
Additional Government Pleader

ORDER

The petitioner has filed this writ petition seeking for issuance of a Writ of Certiorari to call for the records pertaining to the impugned notice in Roc. No. 2446/ 2024/ A2 dated 13.11.2024 in Form No. 11 (Section 36), Notice of Attachment of immovable property issued by the Tahsildar, Thiruchengode, the 4th respondent herein to the petitioner's late father M.Eswaramoorthy in so far as its relates to Patta No. 375 in S.No. 384/2, Extent 2.54.0 Hectare, Patta No. 1124 in Survey No.2.17.0 Hectare and 1287 and Patta No. 310/3, extent 1.32.0 Hectare owned by the petitioner at present



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in Akkalampatti Village, Tiruchengode Taluk, Namakkal District and
quash the same as unsustainable in law.

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2.The case of the petitioner is that the impugned notice of attachment dated 13.11.2024 was issued by the Tahsildar, Tiruchengode Taluk, Namakkal District as against her grandmother and father M.Eswaramoorthi, who expired on 01.01.2025 leaving behind her elder brother and herself as his surviving legal heirs. In the month of July 2025, she came to know by the Village Administrative Officer that her late grandmother Suppayee and her father are liable to pay a huge amount as seigniorage fee for removing the hard stones by cutting it as small stones from their patta land in S.No.384/2 in Akkalampatti Village, Tiruchengode Taluk, Namakkal District, without obtaining any permission from the State Government in the year 2005. The grievance of the petitioner is that since her both kidneys were failed to function at her age of 17, her father donated one of his kidneys after undergoing several tests. Therefore, during the relevant point of time, her father had not informed anything in respect of the claim towards seigniorage fee to be paid to the Government of Tamil Nadu towards removal of stones from patta land owned by her grand mother and her father



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in the above land. After the information regarding the payment of amount to the State Government, the petitioner sent a representation dated 14.07.2025 to the District Collector requesting him to waive the dues imposed by the Revenue Divisional Officer dated 10.05.2025 by taking into account the total amount of Rs.2,00,000/- paid by her father in two instalments. Therefore, according to the petitioner, the impugned notice in Roc.No.2446/2024/A2 dated 13.11.2024 in Form No.11 issued under Section 36 of the Revenue Recovery Act by the Tahsildar, Tiruchengode is in violation of the procedure contemplated under the above Act. Therefore, she is before this Court for quashing of the above impugned notice.

3.Learned counsel for the petitioner would submit that now the petitioner is willing to settle the amount of Rs.6,56,320/-, which was directed to be recovered from the petitioner's grandmother and her father under the Revenue Recovery Act and was directed to be deposited the same under the specific head of the Government Account. He would further submit that now the petitioner is willing to pay the above amount, after deducting Rs.2,00,000/-, which was already paid by the petitioner's father on 09.07.2024 and 10.09.2024.



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4.Mr. E.Vijay Anand, learned Additional Government Pleader, who accepts notice on behalf of the respondents, submits that since the petitioner has an appeal remedy before the District Collector as per rule 36(c)(1) of the Tamil Nadu Minor Mineral Concession Rules, 1959, the representation dated 14.07.2025 made by her to the District Collector to waive the dues/ penalty imposed by the Revenue Divisional Officer, Tiruchengode vide order dated 10.05.2025, by taking into account the total amount of Rs.2,00,000/- paid by the petitioner's father in two instalments on 09.07.2024 and 10.09.2024 cannot be considered by the respondents. Therefore, the petitioner may be directed to pay Rs.6,56,320/- in respect of the claim towards seigniorage fee to be paid to the Government of Tamil Nadu towards removal of stones from the patta land owned by the petitioner's grand mother and her father in the above said land, after deducting Rs.2,00,000/-, which has already been paid by the petitioner's father, within a time frame that may be fixed by this Court.

5.Considering the submission made by the learned counsel for the petitioner to the effect that the petitioner is willing to settle the amount of

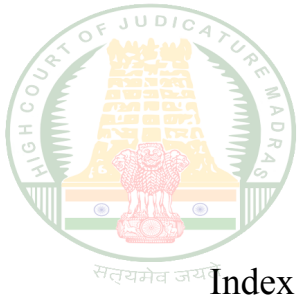


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Rs.6,56,320/-, which was directed to be recovered from the petitioner's grandmother and her father under the Revenue Recovery Act and was directed to be deposited the same under the specific head of the Government Account and also considering the fact that the petitioner's father had already paid Rs.2,00,000/- on 09.07.2024 and 10.09.2024, this Court, directs the petitioner to pay Rs.6,56,320/-, after deducting Rs.2,00,000/-, already paid by her father on 09.07.2024 and 10.09.2024, within a period of two weeks from the date of receipt of a copy of this order. After receipt of the same, the respondents are directed to close the file as against the petitioner's grandmother or the petitioner's father or the petitioner and the order of attachment made against the petitioner's grandmother and the petitioner's father or the petitioner shall stand lifted. In failure to pay the above amount by the petitioner, the respondents are at liberty to recover the amount in the manner known to law.

6.The writ petition is disposed of accordingly. Consequently, connected W.M.P. is closed. No costs.



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Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
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M. DHANDAPANI. J.,

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