



W.P. Nos.35101 and 35122 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. Nos.35101 and 35122 of 2023

and

W.M.P. Nos.35094, 35095, 35099 and 35102 of 2023

Madhusudhan

Petitioner(s) in both cases

Vs

1.The District Collector,
Nilgiris District, 171, Church Hill Road,
Near Charing Cross, Ooty.

2.The Deputy Director of Geology
and Mining,
Collectorate, Coimbatore.

3.The Assistant Director of Geology
and Mining
Ooty.

4.The Revenue Divisional Officer,
Coonor, 8QVR+7MW, Kurumbadi,
Coonoor, Tamil Nadu- 643 101.

Respondent(s) in both cases

PRAYER in W.P. No.35101 of 2023: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari to call for records in R.C. No.1258/ Mines/2023 dated 18.11.2023 on the file of the 1st respondent,



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and quash the same as wholly illegal and without jurisdiction.

PRAYER in W.P. No.35122 of 2023: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari to call for records in R.C. No.1245/ Mines/2023 dated 18.11.2023 on the file of the 1st respondent, and quash the same as wholly illegal and without jurisdiction.

For Petitioner(s) in both cases	: Mr.Sharath Chandran
For Respondent(s) in both cases	: Mr.Stalin Abhimanyu Additional Government Pleader

COMMON ORDER

These writ petitions are filed challenging the proceedings in R.C.No.1258/ Mines /2023 and R.C.No.1245/ Mines / 2023 dated 18.11.2023 respectively on the file of the 1st respondent.

2. The learned counsel for the petitioner would submit that the petitioner's property in Survey No.186/3, Hullathy Village, Ooty, measuring an extent of 1.86 acres belonged to his grandfather Mr.Lingay Gounder who was carrying on agricultural activities. During the year 1993, petitioner's brother Ravi had applied and obtained sanction for quarrying and transportation of rough stones. The petitioner was also looking after the quarry business, for which the



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respondents issued license and permit vide order dated 15.07.1993. Thereafter, petitioner's brother Ravi applied for renewal of license for a further period of five years. The District Collector had granted renewal of license in favour of petitioner's brother and the same was approved by the Director of Town and Country Planning, Government of Tamil Nadu vide letter dated 17.11.1997, however, due to delay in obtaining the same, the permit was granted for the period from March 1998 to March 2003. After expiry of the license in March 2003, the petitioner's family did not carry out quarrying operations and the land was put to use for agricultural purpose.

3. It is further submitted by the learned counsel for the petitioner that after four years of closure of quarrying business, a Public Interest Litigation was filed before this Court, by one Elephant Rajendran in W.P.No.9860 of 2008. Further, based on the directions issued by this Court, the officers conducted inspection and the Inspector of Police, CB-CID Unit, Nilgiris registered an FIR in Crime No.2 of 2008 for alleged offences under Section 3(a) of the Explosives Substances Act, 9-B(1)(b) of the Explosives Act and 379 of the Indian Penal Code, as against the petitioner and imposed penalty, which ended in acquittal vide judgment dated 31.01.2020 in S.C.No.17 of 2010, as against the petitioner and his brother. Petitioner's brother was imposed a fine of Rs.7,58,110/- vide



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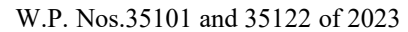
notice dated 26.02.2007 issued by the 4th respondent, which was confirmed by the appellate authority/ 1st respondent on 03.05.2008.

4. Challenging the same, the petitioner filed a writ petition in W.P.No.13970 of 2008, wherein this Court vide its order dated 12.06.2009 had set aside the impugned notice dated 26.02.2007 and granted liberty to the Deputy Director, Geology and Mining to proceed by issuing a fresh show cause notice to the petitioner and subsequently no further order was passed. All of a sudden, the present impugned orders have been passed by the 1st respondent demanding a sum of nearly Rs.47 crores as against the demand of Rs.7,58,110/-, without issuing any show cause notice as directed by this Court in W.P.No.13970 of 2008. Accordingly, the learned counsel for the petitioner filed these writ petitions praying for appropriate orders.

5. Per contra, the learned Special Government Pleader for the respondents would place reliance on paragraphs 4, 5 and 6 of the counter affidavit filed in support of this writ petition, the same is extracted hereunder:

“3. I submit that the present writ petition has been filed seeking the following relief;

“Orally, Mr.Sharath Chandran, learned counsel for the petitioner would state that the demand raised under the impugned



5. With regard to the averments made by the petitioner in Para No.4, it is respectfully submitted that Thiru Elephant Rajendran had filed a PIL before the Hon'ble High Court of Madras in W.P.No.9860 of 2008 dated 18.11.2008 with a prayer to measure all the quarry working in the Nilgiris District in order to curtail illegal quarrying and also to recover the loss of revenue from the persons who had involved in illicit quarrying.

5. *The Hon'ble High Court of Judicature Madras dated 18.11.2008 in its W.P.No.9860 of 2008 and W.M.P.No.1,2,3 of 2008 filed by Thiru.Elephant Rajendran, Hon'ble High Court of Madras has ordered and directed to the respondents viz., 1) The Collector, Nilgiris, 2) The District Forest Officer, Ooty, 3) The Deputy Director Geology and Mines, Coonoor 4) The Regional Transport Officer, Ooty 5) The Superintendent of Police, Udhagamandalam to stop all the illegal quarrying/mining activities in the hill area and wherever mining or quarrying is being carried out unauthorisedly, seal all such mines and quarries forthwith and take such further action as permissible in accordance with law.*

6. In this connection as ordered by the Hon'ble High Court Madras, accordingly, the government, vide G.O.(D) No.436, Industries (MMCI) Dept., dated 20.11.2008 passed orders for formation of 5 multi disciplinary teams, each headed by an officer holding the rank of District Revenue officer and consisting of officials drawn from Department of Geology and Mining,



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Department of Land Records, Police, Department of Forest and Tamil Nadu Pollution Control Board, followed by Commissioner of Geology and Mining, Chennai had constituted a multi disciplinary team vide proceedings RC.No.14256/MM6/2008 dated 24.11.2008 had constituted 5 (five) teams comprising Deputy Directors, Assistant Directors and Assistant Geologists.”

6. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

7. The facts in the present case is not in dispute. Admittedly, prior to the year 2008, penalty to the tune of Rs.7,58,110/- was imposed by the 4th respondent as against the petitioner's brother on 26.02.2007 and the same was confirmed by the 1st respondent herein vide order dated 03.05.2008. Apart from the above penalty, a criminal case was filed against the petitioner and the same ended in acquittal. Thereafter, the impugned demand was raised in the year 2008 by the 4th respondent and confirmed by the 1st respondent, was challenged before this Court in W.P.No.13970 of 2008. It is equally undisputed that on 12.06.2009 this Court granted liberty to the Deputy Director, Geology and Mining to proceed with the matter in accordance with law, however, in order to find out whether the order of this Court in W.P.No.13970 of 2008 was complied with or



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not, this Court perused the impugned orders. On perusal of the impugned orders, it was found that the same was not considered by the Deputy Director and the impugned orders were passed as against the petitioner on 18.11.2023, without providing any opportunity to the petitioner.

8. This Court is of the view that the impugned orders are issued in violation of principles of natural justice and on the sole ground the impugned orders are set aside, however, liberty is granted to the respondents to proceed with the matter after issuing fresh show cause notice to the petitioner strictly in accordance with the order of this Court in W.P.No.13795 of 2008, after providing opportunity of hearing to the petitioner and thereafter pass appropriate orders. Further, liberty is granted to the petitioner to raise all the grounds available to him in the writ petition including that of limitation.

9. Accordingly, the writ petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

13.11.2025

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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To:

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Nilgiris District, 171, Church Hill Road,
Near Charing Cross, Ooty.
- 2.The Deputy Director of Geology
and Mining,
Collectorate, Coimbatore.
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M.DHANDAPANI, J.

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