



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-12-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

**WP No. 39414 of 2024
and WMP.No.42680 of 2024**

S.Kandasamy

Petitioner(s)

Vs

The District Collector
Namakkal District Namakkal

Respondent(s)

PRAYER

Calling for the records relating to the order of the Respondent dated 26.11.2024 in Na.Ka.No 427/Kanimam.2021 and quash the same.

For Petitioner(s): Mr.K.Selvaraj

For Respondent(s): Mr.G.Ameedis,
Govt. Advocate

ORDER



Challenging the order of the District Collector dismissing the appeal filed by the petitioner as against the order of Revenue Divisional Officer under Section 36A of the Tamil Nadu Minor Mineral Concession Rules, 1959, imposing penalty stating that the petitioner removed sand from his patta land, the present Writ Petition has been filed.

2. The only contention of the learned counsel for the petitioner is that though the Collector fixed the date of hearing on 14.10.2024 and issued notice, the said notice was served to the petitioner only on 17.10.2024. The petitioner after receipt of the notice on 17.10.2024, approached the Collector and he was informed that a fresh notice will be issued. However, instead of issuing fresh notice, the impugned order came to be passed. Therefore, the grievance of the petitioner is that an opportunity has not been given to the petitioner to put forth his case.

3. Heard both sides and perused the materials available on record.



4. The notice has been sent by the District Collector's office on 08.10.2024 in Na.Ka.No.427/mineral/2021 fixing the date of hearing on 14.10.2024. The postal authorities track consignment filed along with the typed set of papers, would show that the item sent by the District Collector's office in RT538765347.IN was delivered to the petitioner only on 17.10.2025. Therefore, the petitioner did not appear before the District Collector on the said date and the impugned order came to be passed.

5. Considering the facts and circumstances of the case, this Court is of the view that the petitioner has lost the opportunity to present his case before the Appellate authority, only due to the delay in serving notice, and hence, the impugned order is liable to be set aside. Accordingly, the impugned order is set aside and remanded to the District Collector for fresh consideration. The District Collector shall issue fresh notice and hear the petitioner and thereafter, dispose of the appeal within a period of two months from the date of receipt of a copy of this order. It is made clear that the appeal shall be disposed of after hearing the parties within two months from the date of receipt of a copy of this



order.

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6. With the above directions, the Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

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pvs

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

The District Collector

Namakkal District Namakkal



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N.SATHISH KUMAR J.

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