

W.P(MD)No.7409 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2025

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THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.7409 of 2025

and

W.M.P(MD)Nos.5577 and 5579 of 2025

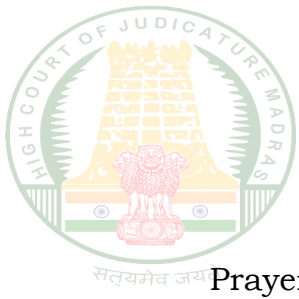
M/s Eswar Enterprises,
Rep. by its Managing Partner,
Thiru S.Mohanraj,
S/o Sockalingam
No.1, Nakeerar Street,
Karaikudi,
Sivagangai District.

..Petitioner

Vs

- 1.The District Collector,
The Collectorate,
Pudukkottai District.
- 2.The Regional Joint Director,
Tiruchirappalli Region,
Department of Geology and Mining,
Tiruchirappalli District.
- 3.The Assistant Director,
Department of Geology and Mining,
Pudukkottai District.
- 4.The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in RC. No. 139/2025 (G & M) dated 21.02.2025 passed by the first respondent and quash the same as illegal and to consequently direct the respondents not to interfere in running the crusher unit in S.F.No. 282/3C measuring an extent of 1.98.5 hectares of land in Thulaiyanur, Thirumayam Taluk, Pudukkottai District.

For Petitioner : Mr.C.Arulvadivel @ Sekar
Senior Counsel for
M/s C.Arulvadivel Associates

For Respondents : Mr.Veerakathiravan
Addl. Advocate General
assisted by
Mr.G.Suryananth
Addl. Govt. Pleader

ORDER

The petitioner challenges the impugned order issued by the first respondent vide Rc. No.139/2025 (G & M) dated 21.02.2025 and seeks a direction to the respondents not to interfere in running the crusher unit in S.F.No.282/3C measuring an extent of 1.98.5 hectares of land in Thulaiyanur, Thirumayam Taluk, Pudukkottai District.



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2. The petitioner has obtained a licence for operating a stockyard under the Tamil Nadu Prevention of Illegal Mining, Transportation, and Storage of Minerals and Mineral Dealers Rules, 2011. The District Collector, suspecting that illegal activities are going on, passed an order on 21.02.2025, cancelling the licence granted, invoking Rule 7(vi) & 10 of the aforesaid Rules.

3. The petitioners plead, among other grounds, violation of principles of natural justice. Taking into consideration the plea, I entertained this writ petition, though an appeal is maintainable under Rule 11 of the aforesaid Rules.

4. On an earlier occasion, I heard Mr.C.Arulvadivel @ Sekar, learned Senior Counsel, for the petitioner, and Mr.A.Kannan, learned Additional Government Pleader, for the respondents. Mr.A.Kannan sought time to get instructions.

5. When the matter was taken up for hearing today, Mr.Veerakathiravan, learned Additional Advocate General appears on behalf of Mr.G.Suryananth, learned Additional Government Pleader, for the respondents. The learned Additional Advocate General states that the impugned order be treated as a show cause notice and the petitioner be directed to file a reply to the same.



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6. Mr.C.Arulvadivel @ Sekar, learned Senior Counsel, for the petitioner, pleads that even if the impugned order would be treated as a show cause notice, the petitioner has not been supplied with a copy of the inspection report, on the basis of which the impugned order came to be passed. In addition, Mr.C.Arulvadivel @ Sekar, learned Senior Counsel, pleads that the vehicles are available inside the premises, which have been sealed. Therefore, he seeks appropriate direction in this regard. Mr.C.Arulvadivel @ Sekar, learned Senior Counsel, adds that the crushing unit, which has been established pursuant to the permission obtained from the Tamil Nadu Pollution Control Board, over which the District Collector has no jurisdiction, has also been sealed and hence, orders may be passed to de-seal the same.

7. In reply, the learned Additional Advocate General stated that a copy of the inspection report will be furnished to the petitioner within one week from today. He pleads that the release of the vehicle would create an issue, as the petitioner may alienate the property in the event of the order going against them after enquiry and the Government would not be in a position to recover the same from the petitioner.



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8. I have carefully considered the submissions of either side. I have gone through the records.

9. The stand taken by the learned Additional Advocate General obviates the necessity for me going into the merits of the writ petition. It is not in dispute that the impugned order has been passed without issuing any show cause notice. Hence, this court should have set aside the same. However, as stated by the learned Additional Advocate General, the impugned order is treated as a show cause notice.

10. Accordingly, this writ petition is disposed with the following directions:

(i) The impugned order is treated as a show-cause notice.

(ii) The District Collector shall furnish the copy of the inspection report to the petitioner within a period of one week from today.

(iii) On receipt of the inspection report, the petitioner shall give a reply within two weeks.

(iv) After receipt of the reply, the District Collector shall hear the petitioner within one week thereafter.

(v) The District Collector shall pass final order after considering the inspection report, show cause



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notice, reply, and the submission of the petitioner during the oral hearing, within one week thereafter.

(vi) Insofar as the vehicles are concerned, each of the petitioner, shall file an affidavit of undertaking that they will not alienate the vehicles concerned, with advance copy to Mr.A.Kannan, Additional Government Pleader and Mr.G.Suryananth, Additional Government Pleader. On production of the same before the District Collector, they will be entitled to remove the vehicles. The undertaking affidavit must specifically state that the petitioner will not alienate the vehicles and will not secrete the same from the respondents.

(vii) The petitioner shall segregate the crushing unit from the stockyard to the satisfaction of the first respondent and once exercise shall be completed, they will be entitled to use the crushing unit.

No costs. Consequently, connected miscellaneous petitions are closed.

25.04.2025

NCC : Yes/No
Index : Yes/No
Internet:Yes
skn



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V.LAKSHMINARAYANAN, J.

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