



W.P.(MD)No.8369 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.03.2025

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.(MD) No.8369 of 2025

and

W.M.P.(MD) Nos.6250 and 6251 of 2025

R.Murugan

... Petitioner

VS.

1.The Assistant Director,
Department of Geological and Mines,
Theni.

2.D.Vetrikondan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records of the 1st respondent in Na.Ka.No.49/Mine/2025 dated 13.03.2025 and quash the same as illegal and arbitrary.

For Petitioner :Mr.P.Ganapathi Subramanian

For R1 :Mr.S.Shaji Bino
Special Government Pleader



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ORDER

This writ petition has been filed challenging the order of the first respondent in Na.Ka.No.49/Mine/2025 dated 13.03.2025.

2.The petitioner states that the property, measuring about 1 hectare and 19 ares in S.Nos.1352, 1368/1A, measuring about 0.35.0 ares and 1363/1C comprised of 0.30.0 ares in Pottanuthu Village, Andipatti Taluk, Theni District, belonged to one Saratha. Saratha executed a lease deed in favour of the petitioner. The petitioner on the strength of this lease deed applied for permission for running a sand quarry mining lease. The lease was also granted. However, during the course of operations, the petitioner was issued with the impugned show cause notice, dated 13.03.2025.

3.The allegation is that one Vetrikondan, the second respondent, lodged a complaint with the first respondent pleading that after entering into an agreement with the petitioner on 15.12.2024, the petitioner had breached its terms. Hence, the first respondent had decided to enquire as



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to whether there is any breach of lease conditions. Challenging the same,
the present writ petition.

4.It is the plea of Mr.P.Ganapathi Subramanian that the first respondent does not have jurisdiction to address the issue. He further alleges that the agreement presented by the second respondent is an act of forgery.

5.Mr.S.Shaji Bino points out that in terms of Rule 36(5)(h) of the Tamil Nadu Minor Mineral Concession Rules, 1959, the Assistant Director, Department of Geology and Mining is entitled to enquire whether there has been any breach of conditions. It is only in the exercise of that power that the show cause notice was issued to the petitioner.

6.I heard Mr.P.Ganapathi Subramanian, learned counsel for the petitioner and Mr.S.Shaji Bino, learned Special Government Pleader for the first respondent.

7.For the purpose of entertaining a writ petition against a show cause notice, it must be demonstrated that the authority, who had issued



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the notice, does not possess the jurisdiction to deal with the matter. The plea on merits, such as that the agreement is a forged one would have to be placed before that authority, in case, he possess the jurisdiction.

8.A perusal of Rule 36(5)(h) of the aforesaid Rule shows that the Assistant Director is possessed the jurisdiction to issue the show cause notice. As he has the jurisdiction, I am not inclined to entertain this writ petition.

9.At this stage, Mr.P.Ganapathi Subramanian states that after filing of this writ petition, the petitioner has submitted her reply to the complaint lodged by the second respondent yesterday (25.03.2025).

10.The first respondent shall enquire both the second respondent and the writ petitioner and decide the issue in one way or the other within a period of two weeks from today. All issues are left open for the petitioner and the second respondent to raise before the first respondent including the plea that the agreement is forged.



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11.With the aforesaid directions, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Post the matter on 16.04.2025 as first item under the caption 'for reporting compliance'.

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

26.03.2025

mm

To

The Assistant Director,
Department of Geological and Mines,
Theni.



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V. LAKSHMINARAYANAN, J.

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