



W.P(MD)No.16776 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2025

WEB COPY

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.16776 of 2025

and

W.M.P.(MD).Nos.12742 and 12743 of 2025

B.Murugan

... Petitioner

vs.

1.The Commissioner of Geology and Mining,
Guindy, Chennai-600032.

2.The District Collector,
Madurai.

3.The Assistant Director,
Geology and Mining, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records relating to the impugned proceedings of the second respondent in Na.Ka.No.240/Mines/2024-1, dated 27.05.2025 and quash the same.

For Petitioner : Mr.V.R.Shanmuganathan

For R1 to R5 : Mr.K.S.Selva Ganesan

Additional Government Pleader

ORDER

The present Writ Petition has been filed to quash the impugned proceedings passed by the second respondent in Na.Ka.No.240/Mines/2024-1, dated 27.05.2025.

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2.The brief facts, as stated in the writ petition are that the petitioner was issued with license for quarrying on 21.02.2023. However, based on the drone survey, it was deduced that the petitioner has quarried in the non permitted area. Therefore, the second respondent has imposed penalty on 27.05.2025 in Na.Ka.No.240/Mines/2024-1, which challenged before this Court.

3.On perusal of the the impugned order dated 27.05.2025, it is seen that the second respondent has conducted only drone survey and not physical survey. Further, the revenue survey was not conducted. The second respondent based on the field inspection report submitted by the third respondent/Assistant Director, Geology and Mining, Madurai, has imposed penalty. Even a copy of the field inspection report was not served to the petitioner. Initially, notice was issued to the petitioner but, the relevant documents were not issued to the petitioner. Therefore, there is a total violation of principles of natural justice. Hence, the impugned proceedings passed by the second respondent is liable to be quashed.

4.Accordingly, this writ petition is allowed. The impugned proceedings passed by the second respondent in Na.Ka.No.240/Mines/2024-1, dated 27.05.2025, is quashed and the second respondent is directed to conduct physical survey and also revenue survey within a period of two weeks from the date of receipt of a copy of this order. After completing the same, the second respondent



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is directed to issue field inspection report to the petitioner and thereafter, conduct enquiry, after granting opportunity of personal hearing to the petitioner and pass appropriate orders as per law. The above said enquiry shall be completed within a period of twelve weeks thereafter.

5.It is seen that the petitioner's license is valid until 21.02.2028. The said penalty proceeding is a separate cause of action. Citing penalty proceedings, the second respondent cannot block the petitioner from doing quarry, when the petitioner has a valid license. Therefore, the second respondent is directed to consider the same and grant permission to the petitioner within a period of two weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, the connected writ miscellaneous petitions are closed.

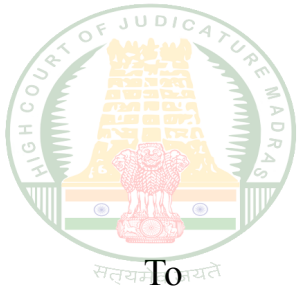
24.06.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

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To

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2.The District Collector,
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3.The Assistant Director,
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S.SRIMATHY, J.

vsg

**ORDER MADE IN
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