



W.P(MD)No.17514 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2025

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CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.17514 of 2025

and

W.M.P(MD)Nos.13369, 13371 & 13917 of 2025

A.Bellarmin Jose

...Petitioner

Vs.

1.The District Collector,
Kanyakumari.

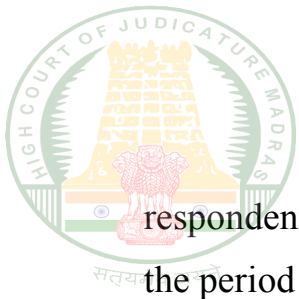
2.The Revenue Divisional Officer,
Padmanabapuram @ Thuckalay,
Kanyakumari District.

3.The Deputy Director,
Geology and Mining,
Nagercoil,
Kanyakumari District.

4.The Assistant Director,
Geology and Mining,
Nagercoil,
Kanyakumari District.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings in Na.Ka.No.20/Pu.Ma.Su/2017, dated . 08.2024, signed on 06.08.2024, by the 1st respondent and to quash the same and consequently, to direct the 4th respondent to issue quarry permit to petitioner as per the license granted in same proceedings, dated 21.11.2020, of the 1st



W.P.(MD)No.17514 of 2025

respondent for lands in S.No. 409/4A5B and also extend the period of license for the period withheld by respondents without issuance of permit.

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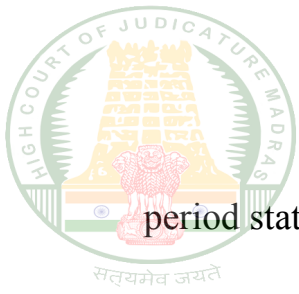
For Petitioner : Mr.V.R.Shanmuganathan

For Respondents : Mr.K.S.Selva Ganesan
Additional Government Pleader

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned proceedings in Na.Ka.No. 20/Pu.Ma.Su/2017, dated .08.2024, signed on 06.08.2024, by the 1st respondent and consequently, to direct the 4th respondent to issue quarry permit to petitioner as per the license granted in same proceedings, dated 21.11.2020, of the 1st respondent for lands in S.No. 409/4A5B and also extend the period of license for the period withheld by respondents without issuance of permit.

2.The petitioner has obtained a license to quarry through proceedings, dated 21.11.2020 for a period of 5 years and the same was extended till 20.11.2025. In the meanwhile, there was an objection by a third party, namely one, Paulraj, who had filed a public interest litigation in W.P.(MD)No.2367 of 2024. After considering the said public interest litigation, the Honourable Division Bench of this Court, has passed a detailed order, dated 19.06.2024. Based on the said order, the respondents have initiated penal proceedings against the petitioner. The present case is regarding the grant of permission until the



W.P(MD)No.17514 of 2025

period stated in the license.

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3.The contention of the petitioner is that the license is still subsisting and the same is not cancelled as per law. Now, the petitioner is seeking permit to quarry. Further, the contention of the petitioner is that the impugned order is passed without notice and without hearing the petitioner, thereby, violating the principles of natural justice.

4.In the meanwhile, the said Paulraj, who filed the public interest litigation, has filed a miscellaneous petition in this case to implead himself in the present writ petition. The public interest litigation has ended. Now, the whistle blower cannot be entertained in the present case, since the contract is between the petitioner and the other official respondents. Hence, the impleading petition is rejected and the same ought to be dismissed. The official respondents ought to hear the case of the petitioner as per law. Since the whistle blower has filed a contempt petition in Cont.P.(MD)No.1947 of 2024, the official respondents have passed the order hurriedly without issuing notice to the petitioner.

5.Since there is violation of principles of natural justice, the impugned order is quashed and the respondents are directed to issue notice to the petitioner, conduct inquiry and thereafter, pass an order within a period of six



W.P(MD)No.17514 of 2025

weeks from the date of receipt of a copy of this order.

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6.The penalty proceedings was initiated for the allegation that the petitioner has quarried beyond the limit granted to him thereby exceeded the limit. The said penalty proceedings is independent and that proceedings cannot be cited to consider the petitioner's case. Since the license is subsisting and only the permit has to be given for further quarrying, the same shall be heard separately and orders shall be passed as per law.

7.With the above observations, this Writ Petition is allowed, W.M.P. (MD)No.13917 of 2025 is dismissed and the other connected miscellaneous petitions are closed. There shall be no order as to costs.

11.07.2025

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

Tmg



W.P(MD)No.17514 of 2025

To

- 1.The District Collector,
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- 2.The Revenue Divisional Officer,
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W.P(MD)No.17514 of 2025

S.SRIMATHY, J.

Tmg

**ORDER MADE IN
W.P(MD)No.17514 of 2025**

DATED : 11.07.2025