



W.P(MD)No.19098 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2025

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CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.19098 of 2025

and

W.M.P(MD)Nos.14645 & 14646 of 2025

P.K.Suresh

... Petitioner

Vs

1. The District Collector,
The Collectorate,
Theni District.

2. The Assistant Director of Geology and Mining,
Department of Geology and Mining,
Theni 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 pertaining to the impugned order in Rc.No.315/Mines dated 30.06.2025 passed by the 2nd Respondent and quash the same as illegal and consequently direct the Respondents to issue transport permits and transit passed to the petitioner for transporting rough stone and gravel from S.F.Nos.1159, 1162 and 1163 in Kunnur Village, Andipatti Taluk, Theni District, within the time stipulated by this Court.

For Petitioner : Mr.Arulvadivel Sekar
for M/s.Arulvadivel Associates

For Respondents : Mr.M.Ajmal Khan
Additional Advocate General



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ORDER

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The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned order dated 30.06.2025 and consequently direct the respondents to issue transport permits and transit pass to the petitioner for transporting rough stone and gravel from S.F.Nos.1159, 1162 and 1163 in Kunnur Village, Andipatti Taluk, Theni District.

2. Admittedly, the petitioner had been granted license to quarry in Survey Nos.1137/2B, 1138/3B5, 1138/3B6. However, proceedings were initiated against him for over-quarrying, and a penalty was imposed through proceedings dated 30.06.202. The present writ petition, however, relates to quarrying in Survey Nos. 1159, 1162 and 1163 in Kunnur Village, Andipatti Taluk, Theni District. Through the impugned order, the second respondent refused to grant transport permits and transit passes by citing the earlier proceedings dated 30.06.2025. Further, the respondents have relied on the undertaking given by the petitioner that he would pay the amount if any penalty is imposed. By citing the proceedings and the undertaking given by the petitioner, the respondents refused to grant the transport license.

3. The learned Counsel appearing for the petitioner submitted that the



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undertaking cannot be relied upon for the purpose of granting permits in respect of the present survey numbers, as the two licenses pertain to two different survey numbers. According to him, the respondents ought to have considered both as a independent cause of action and cannot impose certain conditions which is beyond the provisions of contract.

4. The learned Additional Advocate General, on the other hand, submitted that the impugned order was passed solely on the basis of the undertaking. If any permit is granted in the present survey numbers, the petitioner again would take excess gravel which would amount to penal prosecution. Further, under Section 20 of the Mines and Minerals (Development and Regulation) Act, licences are to be granted subject to certain conditions, and hence, the respondents are empowered to impose such condition. The undertaking was sought as a condition for granting the permit. Therefore, under Rule 19 the petitioner has to submit no due certificate. Since the petitioner had not produced a “no due certificate” as required under Rule 19, an undertaking was obtained from him in lieu thereof. Therefore, without discharging the pending dues and without adhering to the undertaking, the petitioner cannot seek the grant of transit permits.

5. After considering the rival submissions and in order to balance the interest of both sides, this Court is of the considered opinion that the petitioner



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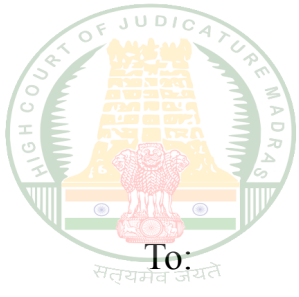
ought to pay the seigniorage fee, which amounts to Rs.16,14,888/- and Rs.28,80,675/-.

6. However, the learned Counsel appearing for the petitioner submitted that the petitioner is not in a position to pay the entire amount in one lump sum and therefore sought permission to pay in installment. The petitioner is liable to pay Rs.44,95,560/-. Accordingly, the petitioner is directed to pay 5,00,000/- (Rupees Five Lakh only) forthwith. On such payment, the respondents shall grant transport permits and transit passes. The balance shall be paid in three equal installments. The first installment shall be paid within a period of one month from the date of receipt of a copy of this order and the remaining two instalments shall be paid in the succeeding months. However, such payment is without prejudice to the appeal pending before the District Collector.

7. With the above said directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

30.07.2025

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

1. The District Collector,
The Collectorate,
Theni District.
2. The Assistant Director of Geology and Mining,
Department of Geology and Mining,
Theni District.



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S.SRIMATHY, J.

jbr

ORDER MADE IN
W.P(MD)No.19098 of 2025

DATED : 30.07.2025