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W.A.(MD)NO.2142 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.(MD)No.2142 of 2025 AND

C.M.P.(MD)Nos.12331, 12337 & 12338 of 2025

AND

CONT.P.(MD)No.2030 of 2025

W.A.(MD)NO.2142 of 2025

V.Paulraj

... Appellant / Proposed
5th Respondent (Third party)

Vs.

1. A.Bellarmin Jose

... 1st Respondent / Petitioner

2. The District Collector,
Kanyakumari.

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

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

5. The Assistant Director,
Geology and Mining,
Nagercoil, Kanyakumari District. ... Respondents 2 to 5 /
Respondents 1 to 4



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Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to call for the records pertaining to the impugned order dated 11.07.2025 passed by the learned Judge in W.P.(MD)No.17514 of 2025 and set aside the same and allow the writ appeal.

For Appellant : Mr.T.Mohan, Senior counsel,
for Mr.C.Kishore.

For R-1 : Shri.V.Ragavachari,
Senior counsel,
for Mr.V.R.Shanmuganathan.

For R-2 to R-5 : Mr.A.Kannan,
Additional Government Pleader.

* * *

CONT.P.(MD)No.2030 of 2025 : -

V.Paulraj

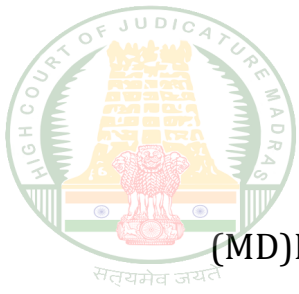
... Petitioner / Petitioner /
Petitioner

Vs.

Mrs.Azhagu Meena, IAS.,
District Collector,
Nagercoil,
Kanyakumari District.

... Contemnor / 2nd Contemnor /
6th Respondent

Prayer: Contempt petition filed under Section 11 of the Contempt of Courts Act, to punish the contemnor herein for her willful and wanton disobedience of the order passed by this Court in W.P.



(MD)No.2367 of 2024 dated 19.06.2024 and the order made in
Cont.P.(MD)No.1947 of 2024 dated 24.02.2025.

For Petitioner : Mr.T.Mohan, Senior counsel,
for Mr.C.Kishore.

For Respondent : Mr.N.Ramesh Arumugam,
Government Advocate.

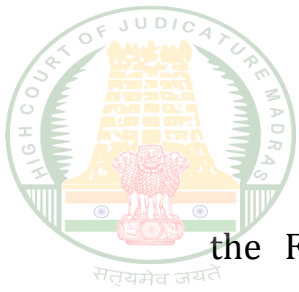
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J U D G M E N T

(By G.R.SWAMINATHAN, J.)

This writ appeal is directed against the order dated 11.07.2025 passed by the learned single Judge allowing W.P.(MD)No.17514 of 2025 filed by the first respondent herein (A.Bellarmin Jose).

2.The case has a chequered history. The first respondent herein was granted quarry lease on 30.12.2020 that is valid for a period of five years. The appellant herein and one John Rose filed W.P.(MD) No.2367 of 2024 and W.P.(MD)No.25989 of 2022 alleging that the first respondent herein had indulged in illicit quarrying and that therefore, his lease must be cancelled. They specifically prayed for forbearing the lessee from carrying on his quarrying activities. Both the writ petitions were filed in public interest and were listed before



the First Bench. During the pendency of the writ proceedings.

Interim injunction was granted on 15.03.2024 restraining further quarry operations. Both the writ petitions were disposed of on 19.06.2024. Though separate orders were passed, they have to be necessarily read together. W.P.(MD) No.2367 of 2024 was disposed of in the following terms:-

“8.The Tamil Nadu Minor Mineral Concession Rules, 1959 governs the field. If the leaseholder commits any violation of the lease terms and conditions or indulges in illicit mining, mechanism has been provided to deal with the same. The District Collector is the authority competent to pass an order. Even though counter affidavit has been filed before us indicting the private respondents, it is clarified that it shall be used only as a basic material to issue show cause notice to the private respondents herein. We direct the 6th respondent to issue notices to the private respondents herein on the basis of the materials now made available before this Court. The private respondents are at liberty to satisfy the 6th respondent that there has been no violation of the lease terms and conditions. The respondents 9 and 10 will be at liberty even to make a request for conducting a fresh survey. It is for the



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District Collector, Kanyakumari District, to take a call in the matter.

9. This Court had earlier granted interim injunction against the respondents 9 and 10 from continuing the quarry operations. The inspection report also confirms the allegation of illicit mining on the part of the respondents 9 and 10. We would, therefore, not be justified in vacating the interim order earlier granted and the same is made absolute. It shall abide by the order to be passed by the 6th respondent. The 6th respondent will issue show cause notice to the respondents 9 and 10 within two weeks from the date of receipt of a copy of this order. The respondents 9 and 10 will be given full opportunity to place their cases before the 6th respondent. The 6th respondent shall pass final orders on merits and in accordance with law, within a period of two months after receipt of the explanation from the respondents 9 and 10.”

W.P.(MD)No.25989 of 2022 was disposed of in the following terms:-

“2. In view of the order made in W.P(MD)No. 2367 of 2024, no further order is required in this writ petition. However, since the present petitioner is also on the same page as the petitioner in W.P(MD)No.2367 of 2024, it is open to him to



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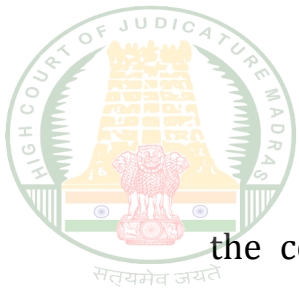


participate in the enquiry to be conducted by the District Collector, Kanyakumari District. In normal circumstances, the issue will be one between the competent authority and the noticee. In this case, since Tr.Paulraj and Tr.John Rose have taken the initiative and also filed writ petitions in public interest, they are permitted to participate in the enquiry and place materials before the District Collector in support of their allegations. They shall be examined and their statements be recorded by the District Collector.”

3.The effect of the two orders was that the District Collector, Kanyakumari District was to dispose of the representations submitted by the writ petitioners not only after hearing the lessee but also the writ petitioners also. Unfortunately, without hearing the writ petitioners, the District Collector, Kanyakumari District passed order dated 27.07.2024 directing levy of penalty on the lessee. The Revenue Divisional Officer was called upon to do the actual computation. The order dated 27.07.2024 suffered from two defects :
(a) it was passed without hearing the appellant. (b) it did not dispose of the representations submitted by the appellant and the



other PIL petitioner. They alleged illicit mining and demanded cancellation of the lease itself. The District Collector was obliged to take a decision on this demand. But the order dated 27.07.2024 is silent on this. Hence, we hold that it was not an order passed in terms of the direction given by this Court vide order dated 19.06.2024 in the aforesaid two writ proceedings. That is why, the appellant herein filed Cont.P.(MD)No.1947 of of 2024. The District Collector appeared in person before us. Earlier, the District Collector had passed an order dated 06.08.2024 specifically noting that the Deputy Director of Geology and Mining had committed interpolation in her proceedings dated 27.07.2024. According to the District Collector, she had only directed levy of penalty alone on the ground of excess quarrying done by the lessee. She had nowhere authorised the issuance of transport permits for the lessee. Since the subsequent order of the Deputy Director of Geology passed on 01.08.2024 was based on the interpolated recital in the proceedings dated 27.07.2024, the District Collector rescinded the order dated 01.08.2024 issued by the Deputy Director of Geology and Mining. All these aspects were brought to our notice during the course of hearing of Cont.P.(MD)No.1947 of 2024. The said contempt petition was taken up by us and heard at length in



the course of several hearings. Even though we did not formally quash the order dated 27.07.2024 passed by the District Collector, the clear implication was that the District Collector has to pass a fresh order. The District Collector undertook to do so after putting the appellant and other interested parties on notice. We gave our imprimatur to the order dated 06.08.2024. We also called upon the State to take a stand regarding the action proposed against Mr.Annadurai, Deputy Director of Geology and Mining for having allegedly made the said interpolation. The State on its own chose to place Mr.Annadurai under suspension. It initiated disciplinary proceedings against him. Since the wrong done by the authorities was undone, we did not take the process to its logical conclusion. We closed the contempt proceedings in the following terms:-

“9. The District Collector shall issue fresh notice to both John Rose as well as Paulraj. Since Paulraj has taken initiative by filing the contempt petition, he shall be represented by counsel. They are at liberty to take place their written arguments. When the District Collector passes final order, all the contentions raised by Paulraj will be dealt with. This contempt petition is disposed of accordingly.”



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4. The District Collector is yet to pass final order pursuant to the direction given in Cont.P.(MD)No.1947 of 2024. The order dated 27.07.2024 cannot stand. Since final order is yet to be passed, the logical corollary is that the injunction which was earlier made absolute holds the field.

5.The lessee Thiru.Bellarmin Jose was very much aware of what had happened before the Hon'ble Division Bench in Cont.P.(MD)No.1947 of 2024. In fact, he was shown as the third respondent. The very conduct of Bellarmin Jose in instituting W.P.(MD)No.17514 of 2025 is an abuse of legal process. The relevant material facts were not placed before the learned single Judge. The order dated 06.08.2024 which was endorsed by this Division Bench could not have been quashed. In this view of the matter, the order passed by the learned single Judge is set aside. This writ appeal is allowed.

6.We direct the District Collector, Kanyakumari District to abide by the direction given by us in Cont.P.(MD)No.1947 of 2024. The final order on the representations of the appellant as well as John Rose shall be passed as expeditiously as possible within a period of three



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

disapproval of conduct of the writ petitioner, we levy a sum of Rs.

1,00,000/- towards cost payable to the District Legal Services

Authority, Kanyakumari District. Consequently, connected

miscellaneous petitions are closed. In view of the finding rendered

in the writ appeal coupled with levy of cost, the contempt petition

stands closed.

(G.R.SWAMINATHAN, J.) & (K.RAJASEKAR, J.)

31st July 2025

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

PMU/SKM

To:

1. The District Collector,
Kanyakumari.
2. The Revenue Divisional Officer,
Padmanabapuram @ Thuckalay,
Kanyakumari District.
3. The Deputy Director,
Geology and Mining,
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W.A.(MD)NO.2142 OF 2025

G.R.SWAMINATHAN,J.

AND

K.RAJASEKAR, J.

PMU

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