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CONT.P.(MD)NO.1947 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

CONT.P.(MD)No.1947 of 2024 IN

W.P.(MD)No.2367 of 2024

V.Paulraj

... Petitioner

Vs.

1. Mr.Annadurai, G.T.

Deputy Director of Geology and Mining / Convenor
Governing Council / Managing Committee,
District Mineral Foundation Trust,
Nagercoil,
Kanyakumari District.

... 1st Respondent / 4th Respondent

2. Mrs. Azhagu Meena, IAS.,

District Collector,
Nagercoil,
Kanyakumari District.

... 2nd Contemnor / 6th Respondent

3. A.Bellarmin Jose

4. T.Valsala Kumari

... Contemnors 3 & 4 /
Respondents 9 & 10

Prayer: Contempt petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the contemnors for their willful and wanton disobedience of the order passed by this Court in W.P.(MD)No.2367 of 2024 dated 19.06.2024.



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- For Petitioner : Mr.T.Mohan,
Senior counsel,
for Mr.C.Kishore.
- For R-2 : Mr.Veera Kathiravan,
Additional Advocate General,
assisted by,
Mr.K.Balasubramani,
Special Government Pleader.
- For R-1 : Mr.M.Sricharan Rangarajan,
Senior counsel,
for Mr.S.Ram Sundar Vijayraj.
- For R-3 & R-4 : Mr.Isaac Mohanlal,
Senior counsel,
for M/s.Isaac Chambers.

* * *

ORDER

Heard both sides.

2. One V.Paulraj and John Rose filed W.P.(MD)No.2367 of 2024 and W.P.(MD)No.25989 of 2022 for forbearing one Bellarmin Jose and Valsala Kumari from carrying on quarrying operations in the petition-mentioned lands. The writ petition filed by Paulraj was disposed of on 19.06.2024 in the following terms:-



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“ 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 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



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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.”

The writ petition filed by John Rose was disposed of on the same day 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 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.



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They shall be examined and their statements be recorded by the District Collector. ”

3. Even though the Hon'ble Division Bench had specifically mandated that the District Collector should hear the writ petitioners and record their statements before passing final orders, the District Collector had chosen to give disposal vide proceedings dated 27.07.2024 without associating the petitioners herein. Contending that the order passed by this Court has been breached, Paulraj filed Cont.P.(MD)No.1947 of 2024.

4. The District Collector had filed an affidavit expressing her unconditional apologies. She had stated that she failed to give due opportunity to John Rose and Paulraj inadvertently.

5. We direct the District Collector to be more careful in future. When the order passed by this Court is clear and categorical, it could not have escaped the attention of the District Collector. The order of the Court will have to be read, understood and fully implemented. Even though the learned Senior counsel for the petitioner expressed



his misgivings, we hope that the District Collector would have learnt her lessons.

6. We also noticed that Thiru.Annadurai, the Deputy Director of Geology and Mining had not conducted himself properly. We therefore drew the attention of the Government and wanted the Government to take a call in the matter.

7. The learned Additional Advocate General submitted that Annadurai has been placed under suspension and that disciplinary action is being taken against him.

8. We close this contempt petition by directing the District Collector, Kanyakumari District to act in terms of the earlier direction given in the writ proceedings.

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.

(G.R.SWAMINATHAN, J.) & (M.JOTHIRAMAN, J.)
24th February 2025

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

To:

1. The Deputy Director of Geology and Mining / Convenor
Governing Council / Managing Committee,
District Mineral Foundation Trust,
Nagercoil,
Kanyakumari District.
2. The District Collector,
Nagercoil,
Kanyakumari District.



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M.JOTHIRAMAN, J.

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