



W.P(MD)No.20977 of 2018 and etc.,

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.07.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P(MD)Nos.20977 of 2018
and 14343 and 11589 of 2017
and
W.M.P.(MD) Nos.11234 of 2017
and 8931 and 8932 of 2017**

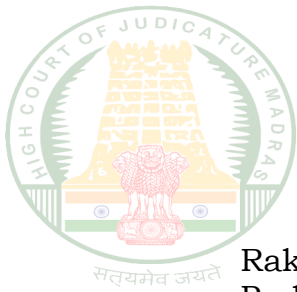
W.P.(MD) No.20977 of 2018:

Tamilnesan

... Petitioner

Vs.

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The Revenue Divisional Officer,
Illuppur, Pudukkottai District.
- 3.The Tahsildar,
Kulathur Taluk Office,
Pudukkottai District.
- 4.The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.
- 5.Nallakumar
- 6.Anthonisamy
- 7.Mathukon Project Company,
Rep., by Proprietor,



W.P(MD)No.20977 of 2018 and etc.,

Rakathanpatti Village, Kulathur Taluk,
Pudukkottai District.

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8.Rama. Subbiah

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 2nd respondent to take appropriate steps as against the 5th to 8th respondents for recovery of fine amount for illegal sand quarry for the period of 2015-2018 by considering the petitioner's representation dated 23.08.2018 within the stipulated time that may be prescribed by this Court.

For Petitioner	:	No appearance
For RR1 to 4	:	Mr.P.Thilakkumar Government Pleader
For R7	:	Mr.V.Shathurthi Raja for Mr.K.Ramakrishna Reddy
For R8	:	Mr.P.Arun Jayatram
For RR5 & 6	:	No appearance

W.P.(MD) No.14343 of 2017:

M/s.Madhucon Projects Ltd.,
Rep., by its Director Mr.K.Srinivasa Rao,
“Madhucon House”,
Road No.36, Jubilee Hills,
Hyderabad-500 033.

... Petitioner

Vs.

The Revenue Divisional Officer,
Pudukkottai District,
Pudukkottai.

... Respondent



W.P(MD)No.20977 of 2018 and etc.,

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of certiorari, to call for the records of the respondent's impugned proceedings bearing Rc.A1/1028/2017, dated 13.07.2017 and quash the same.

For Petitioner : Mr.V.Shathurthi Raja
for Mr.K.Ramakrishna Reddy

For Respondent : Mr.P.Thilakkumar
Government Pleader

W.P.(MD) No.11589 of 2017:

RM.Subbiah

... Petitioner

Vs.

1.The District Collector,
Pudukottai District,
Pudukkottai.

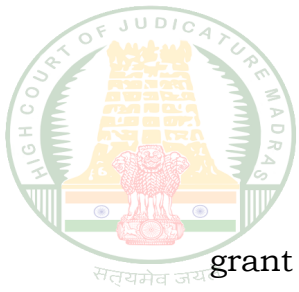
2.The Sub-Collector,
Pudukottai,
Pudukottai District.

3.The Tahsildar,
Thirumayam Taluk,
Pudukottai District.

4.The Assistant Director of Geology and Mining,
Collectorate Office,
Pudukottai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 28.05.2017 passed by the 2nd respondent in Na.Ka.A3/1567/2017 and quash the same and consequently direct the 4th respondent to



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grant permit to the petitioner to transport rough stones in respect of S.No.543 (Part) to an extent of 1.62 Hectares of Thulayanur Village, Thirumayam Taluk, Pudukottai District.

For Petitioner : Mr.P.Arun Jayatram

For Respondents : Mr.P.Thilakkumar
Government Pleader

COMMON ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

1.1. W.P.(MD) No.20977 of 2018 is filed for a mandamus to direct the Revenue Divisional Officer, Illuppur, Pudukottai, to take appropriate steps as against the fifth to eighth respondents for recovery of fine amount for illegal sand quarrying.

1.2. W.P.(MD) No.14343 of 2017 is filed challenging the proceedings of the Revenue Divisional Officer, Pudukottai imposing penalty for illegal excess mining of rough stone quarrying.

1.3. W.P.(MD) No.11589 of 2017 is filed challenging the proceedings of the Sub-Collector, Pudukottai dated 28.05.2017 imposing penalty for illegal excess mining of rough stone quarrying.



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2. The learned counsel for the petitioners in W.P.(MD) Nos. 14343 and 11589 of 2017 would submit that the Revenue Divisional Officer, Pudukottai and the Sub-Collector, Pudukottai have committed error in considering the survey numbers and therefore, the orders imposing penalty are invalid. For this reason, the orders impugned in W.P.(MD) Nos.14343 and 11589 of 2017 are to be set aside.

3. The learned Government Pleader would oppose by stating that the petitioners in W.P.(MD) Nos.14343 and 11589 of 2017 have mined excess rough stone over and above the permitted limit. Therefore, the authorities are empowered to impose fine under the Act and Rules.

4. Excess quarrying of rough stone has been assessed by the competent authority by measuring the locality and accordingly, fine amount has been calculated and the impugned orders have been passed.

5. High Court, in exercise of the powers of judicial review, cannot adjudicate disputes issues. Now the petitioners in W.P.(MD) Nos.14343 and 11589 of 2017 raise certain disputed issues on merits, which all are to be adjudicated by the appellate authority for



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arriving a final decision. However, this Court, *prima facie*, do not find any illegality in passing the orders impugned in in W.P.(MD) Nos. 14343 and 11589 of 2017. Since the petitioners in W.P.(MD) Nos. 14343 and 11589 of 2017 raise the ground regarding the survey number, it is to be verified by the competent appellate authority for taking final decision and recovery of penalty amount by following the procedures.

6. An appeal is contemplated under the Tamil Nadu Minor Mineral Concession Rules, 1959. An aggrieved person, against an order passed by an authority, may prefer an appeal and in the present case, admittedly, the petitioners in W.P.(MD) Nos.14343 and 11589 of 2017 have not so far preferred any appeal. Thus, the authorities competent are empowered to recover the penalty by following the procedure.

7. Since the issue involved is relating to excess mining operation over and above the permitted limit and imposition of penalty, the petitioners in W.P.(MD) Nos.14343 and 11589 of 2017 are at liberty to approach the appellate authority. The appellate authority has to entertain the appeal strictly in accordance with the provisions of the Act and Rules and if it is in order, decide the issues on merits.



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8. Accordingly, the following orders are passed:

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(i) W.P.(MD) Nos.14343 and 11589 of 2017 are dismissed for the reasons stated above; and

(ii) In view of the dismissal of W.P.(MD) Nos.14343 and 11589 of 2017, W.P.(MD) No.20977 of 2018 is disposed of.

There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

J.]

[S.M.S., J.]

[A.D.M.C.,

07.07.2025

Index:Yes

Internet:Yes/No

NCC:Yes/No

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To

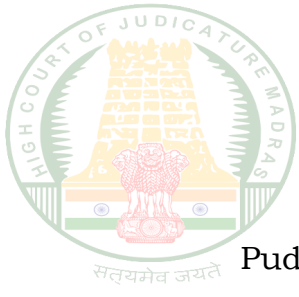
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3.The Tahsildar,
Kulathur Taluk Office,
Pudukkottai District.

4.The Tahsildar,
Thirumayam Taluk,

7/9



Pudukkottai District.

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S.M.SUBRAMANIAM, J.
and
DR.A.D.MARIA CLETE, J.

abr

5.The Revenue Divisional Officer,
Pudukkottai District,
Pudukkottai.

6.The Sub-Collector,
Pudukkottai,
Pudukkottai District.

7.The Assistant Director of Geology and Mining,
Collectorate Office,
Pudukkottai.

W.P(MD)Nos.20977 of 2018
and 14343 and 11589 of 2017

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