

W.P(MD)No.27219 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD).No.27219 of 2025

and

W.M.P(MD).Nos.21140 & 21142 of 2025

M/s. Falkon Blue Metals,
Represented by its Proprietor,
Shanavas Sherafdden
Nazreen Manzil,
Bharani Cavu,
Sasthamkotta,
Kollam, Kerala – 690 520

... Petitioner

Vs

1. The Additional Chief Secretary to Government (FAC),
Natural Resources (MMC.1) Department,
Secretariat,
Chennai - 600 009.

2. The Commissioner Geology And Mining,
Guindy,
Chennai - 600 032.

3. The District Collector,
Tirunelveli District.

4. The Assistant Director of Mines and Geology,
Tirunelveli District.

... Respondents



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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 passed by the 3rd respondent vide proceedings ந.க.கனிமம் - 1/801(9)/2025 dated 18.07.2025 and quash the same as illegal and consequently direct the respondents to issue transit pass.

For Petitioner : Mr.Sricharan Ranjarajan

Senior Counsel

for Mr.D.Saravanan,

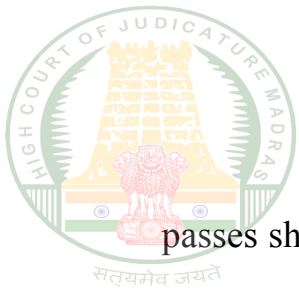
For Respondents : Mr.B.Ramanathan

Special Government Pleader

ORDER

Heard both sides.

2.The writ petitioner challenges the impugned proceedings issued by the District Collector, Tirunelveli levying penalty for transportation of excess minerals. The petitioner is a stockyard licensee. The mineral stored in the stockyard has to correspond to the quantity mentioned in the transport permits. Likewise, the mineral removed from the stockyard under transit



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passes should in turn correspond to what is there is in the stockyard. In other words, there must be correspondence between the transit passes and transport permits. According to the respondent, there is a discrepancy in the instant case and the quantity transported from the stockyard under the transit pass is excess of what was received by the stockyard under the transport permits.

3.It is obvious that the impugned proceedings rest almost entirely on the inspection report dated 02.06.2025 submitted by the Special Inspection Team. It is the document second reference cited in the impugned proceedings. The show cause notice is also based on the very same report. Though after request from the writ petitioner copy of the inspection report was given to the writ petitioner, the annexures attached to the inspection report were not furnished. Likewise another important document that is Annexure Nos.7 that is referred in VI of the impugned order was also not furnished to the petitioner. Thus, the learned Senior Counsel appearing for the petitioner states that these are only samples and that the relied upon materials are not furnished to the petitioner. Shri.Anandharaj, Assistant Geologist attached to the fourth respondent office has conceded that the aforesaid materials were not furnished to the writ petitioner.

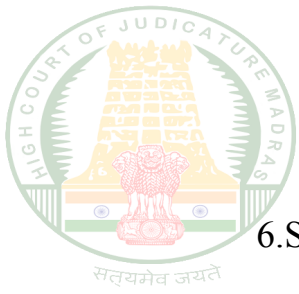


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4. It is an elementary principle of natural justice that any relied upon document must be served to the noticee so that the noticee can effectively challenge his case. In view of non-service of the annexures attached to the inspection report I hold that there has been a clear breach of the principles of natural justice. On this sole ground, the order impugned in the writ petition is set aside. The matter is remitted to the file of the third respondent. The third respondent shall serve a copy of the said report on the writ petitioner. The petitioner will be given four weeks time to respond thereafter. After holding enquiry, it is open to the third respondent to pass an order afresh in accordance with law. I have not gone into the merits of the matter.

5. The learned senior counsel for the petitioner states that even if there is any breach of the Tamil Nadu Prevention of Illegal Mines, Transportation and Storage of Minerals and Mineral Dealer Rules, 2011, only penalty can be levied on the petitioner. The petitioner complains that citing the impugned proceedings, even the issuance of transit passes has been suspended. This is said to have crippled the entire business.



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6.Since the impugned proceedings have been quashed and the matter has been remanded, the fourth respondent shall continue to issue transit passes subject to verification of all the relevant records. The fourth respondent cannot indirectly do what he cannot do directly.

7.With the aforesaid direction to the fourth respondent, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

8.The writ petitioner had filed an appeal challenging the impugned order. It is undertaken that the said appeal will be withdrawn.

26.09.2025

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



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To

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G.R.SWAMINATHAN, J.

LR

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