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W.P.(MD)NO.34240 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.11.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.34240 of 2025 AND
W.M.P.(MD)Nos.27080 & 27082 of 2025

M/s.Dinesh Blue Metals,
Rep. by its Proprietor,
Dinesh,
S/o.Ganapathy,
No.3/175, Kaniyalankovil Street,
Avaraikulam, Radhapuram Taluk,
Tirunelveli District – 627 133.

... Petitioner

Vs.

1. The Additional Chief Secretary to Government(FAC),
Natural Resources(MMC.1) Department,
Secretariat, Chennai – 600 009.
2. The Commissioner of Geology and Mining,
Guindy, Chennai – 600 032.
3. The District Collector,
Tirunelveli District.
4. The Assistant Director of Mines and Geology,
Tirunelveli District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the third respondent vide proceedings Na.Ka.Kanimam.1/801(16)/2025



dated 07.07.2025 and quash the same as illegal and consequently direct the respondents to issue transit pass.

For Petitioner : Mr.Sricharan Rangarajan,
Senior counsel,
for Mr.D.Saravanan.

For Respondents : Mr.R.Ragavendran,
Government Advocate.

* * *

ORDER

Heard the learned Senior counsel for the writ petitioner and the learned Special Government Pleader for the respondents.

2.The learned Senior counsel for the petitioner states that the petitioner who has filed an appeal against the impugned order, would withdraw the same. The said submission is placed on record.

3.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 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.

4. It is obvious that the impugned proceedings rest almost entirely on the report dated 02.06.2025 submitted by the Special Inspection Team. This is the document second reference cited in the impugned proceedings. The show cause is also based on the very same report. I posed a question to the learned Government Advocate as to whether copy of the Special Inspection Team's report was furnished to the petitioner. Shri.Anandaraj, Assistant Geologist attached to the fourth respondent office is present in person. Instruction was obtained from him by the learned Special Government Pleader and it is conceded that the aforesaid report was not served on the petitioner.



5.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 put forth his case. In view of non-service of the report of the Special Inspection Team, I hold that there has been an 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.

6.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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7.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.

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

27.11.2025

NCS : Yes / No
Index : Yes / No
Internet : Yes/ No

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G.R.SWAMINATHAN,J.

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To:

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