



WEB COPY

WP No. 3198 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-01-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 3198 of 2025

AND

WMP NO. 3540 OF 2025

1. Loganathan
S/o.Kolanthasamy Gounder, No.18/29 New 32,
Dasanaickenpalayam, Kavundachipalayam,
Perundurai Taluk, Erode.
2. Tmt.Eswari
W/o.Loganathan, No.18/29 New 32,
Dasanaickenpalayam, Kavundachipalayam,
Perundurai Taluk, Erode.

..Petitioner(s)

Vs

1. The Collector
Erode District, Erode.
2. The Sub-collector
Gobichettipalayam, Erode District.

..Respondent(s)

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari Calling for the records relating to the order passed by the 2nd respondent Na.Ka.No. 2296/2021/A3 dated 24.12.2024 (served on 01.01.2025) quash the same.



For Petitioner(s): Mr.N.Manokaran for Mr.V.Elangovan

WEB COPY

For Respondent(s): Mr.Stalin Abhimanyu, AGP For R1 And R2.

ORDER

This Writ Petition has been filed for the following reliefs:-

“Calling for the records relating to the order passed by the 2nd respondent Na.Ka.No. 2296/2021/A3 dated 24.12.2024 (served on 01.01.2025) quash the same.:”

Brief Facts.

2. The petitioners' case is that the 1st respondent had issued a licence for mining operations to the 2nd petitioner for an extent of 2.47 acres out of the total extent of 6.06 acres in S.No.3/3 of Punjaithuraiyampalayam, Gobichettipalayam, Erode District, vide proceedings dated 16.05.2002. Initially, the period of the said licence was fixed for 10 years, from 16.05.2002 to 15.05.2012. Thereafter, the same was modified to 5 years by way of a Rectification Deed dated 09.02.2004.



3. The petitioners would submit that, as per the Rectification Deed, the licence period expired on 15.05.2007, and thereafter no application for renewal of the licence was made by the 2nd petitioner. Subsequently, a civil dispute arose between the 2nd petitioner and one Mr. Elango and Kandasamy. The said Elango and Kandasamy filed a suit against the petitioner in O.S. No.328/2003 on the file of the Sub Court, Gobichettipalayam, seeking execution of a sale deed in respect of the land in S.No.3/3. In the said suit, the above said persons obtained an ex parte order and got the sale deed registered in their favour through the Court.

4. The petitioners would further submit that on 30.06.2021 and 28.07.2021, the said Kandasamy and Elango had filed complaints before the 2nd respondent alleging that excessive mining operations had been carried out illegally by the petitioner beyond the permitted level. Based on these complaints, which were filed after a lapse of about 15 years from the expiry of the petitioner's licence, the 2nd respondent conducted an inspection and submitted a report dated 28.07.2021, stating that during the period from 2002–2003 to 2006–2007, an excess quantity of 72,228 cubic meters of stone had been quarried illegally.



WEB COPY

5. Thereafter, on 14.09.2021, the 2nd respondent had passed an order imposing a fine of Rs.5,72,76,804/-. Challenging the said order, the petitioners had preferred an appeal before the 1st respondent. However, the 1st respondent, by order dated 12.12.2024, confirmed the order passed by the 2nd respondent and rejected the appeal. Challenging the same, the petitioners preferred a second appeal on 09.01.2025 before the Director of Geology and Mining, Guindy, Chennai, under Rule 36(c)(1) of the Tamil Nadu Minor Mineral Concessions Rules, 1959, which is still pending.

6. While so, the 2nd respondent, without issuing any notice and without affording an opportunity of hearing to the petitioners, passed the impugned order dated 24.02.2024 (served on 01.01.2025) imposing a penalty of Rs.56,40,44,944/- for alleged illegal mining operations, along with Rs.5,72,75,804/-, which is already the subject matter of the pending second appeal dated 09.01.2025. Thus, a total sum of Rs.62,13,21,748/- has been imposed as a fine. Challenging the same, the petitioners are before this Court.

7. The 2nd respondent had filed a counter denying the contentions of the petitioners. However, in the counter the 2nd respondent had not addressed the



contention of the petitioner that they have not been heard before the impugned order was passed. On the contrary in Clause (c) of the grounds, the 2nd respondent had stated as follows:-

“The allegation and averments made in para 6 and ground C is untenable. There is no illegality in the action of the Respondents. The petitioners alone have violated the order Na.Ka.No 2296/2021/A3 dated 14.09.2021, which caused the loss of two lives; hence in the situation of public emergency, the order was passed. There is no question of denial of natural justice.

8. Heard the learned counsel on either side and perused the records.

9. The impugned order suffers from the vice of non-application of mind as well as arbitrariness. The said impugned order has been passed without awaiting the outcome of the second appeal filed by the petitioners under Rule 36(c)(1) of the Tamil Nadu Minor Mineral Concessions Rules, 1959 before the Director of Geology and Mining, Guindy, Chennai, challenging the order of the 1st respondent dated 12.12.2024. That apart, the impugned order has been passed without issuing any notice to the petitioner and without affording an



opportunity of hearing, which is in clear violation of the principles of natural justice.

WEB COPY

10. Further, before the passing of the impugned order, the 2nd respondent and the Tahsildar had conducted an inspection of the subject land and submitted a report. However, the petitioners were not put on notice about the inspection and were not present at the time when the inspection was conducted. The petitioners had stopped mining operations with effect from 15.05.2007 when the license period had come to an end and the petitioner had not applied for renewal of licence. While so, the impugned order imposing penalty of a sum of Rs.62,13,21,748/- has been passed on the basis of a complaint which has been filed on 30.06.2021 and 28.07.2021 after 15 years alleging that excessive mining operation has been done illegally. The basis on which the impugned order has been passed is that during the period from 2002–2003 to 2006–2007, mining operations were carried out to the extent of 4,212 cubic meters and upon inspection of the premises in the year 2021, following the complaint, it was found that an excess quantity of 72,228 cubic meters of stone had been quarried illegally.



11. In the judgement reported in **2006 (5) CTC 857 – R.Nonai Vs. The District Collector, Madurai District and Another**, this Court had observed that Section 36(H) of the Tamil Nadu Minor Mineral Concessions Rule, 1957 provides an opportunity of hearing should be given to the lessee before the lease is cancelled. In fact, the learned Judge had observed that this hearing under Rule 36(H) is a real hearing and shall not be treated as an empty formality. This is by reason of the fact that the cancellation of quarry lease involves civil consequences and therefore the authorities are bound to follow the due process of hearing in a fair and just manner. In the above referred case, the petitioner therein had taken a defence that he was quarrying 300 meters beyond the monuments and the impugned order came to be passed without measurement of the distance. Ultimately, the learned Judge proceeded to quash the impugned order on the basis that the report was prepared by the authorities not in the presence of the lessee and declared the same as illegal.

12. Further, in the judgement reported in **2010 (6) CTC 73 - S.Selvaarajan Vs. the Revenue Divisional Officer, Tiruvallur District**, the respondent therein had taken a defence that the petitioner had an alternate remedy of filing an appeal. The learned Judge relying upon the judgement of the Hon'ble SC reported in **2008 (5) SCC 632 – Rajasthan State Electricity Board Vs. Union of India** had observed that the availability of an alternate remedy is



not an absolute bar for invoking the jurisdiction under Article 226 of the Constitution of India.

WEB COPY

13. In the case on hand, the petitioners had filed a second appeal under Rule 36(c)(1) of the Tamil Nadu Minor Mineral Concessions Rules, 1959 before the Director of Geology and Mining, Guindy, Chennai, challenging the order of the 1st respondent dated 12.12.2024 which is pending consideration. However, without awaiting the outcome of the said second appeal, the 2nd respondent had proceeded to pass the impugned order without issuing a prior show cause notice and without following the principles of natural justice. Therefore, the Writ Petition is allowed as prayed for. No costs. Consequently, the connected Miscellaneous Petition is closed.

23-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SHR

To

1. The Collector
Erode District, Erode.
2. The Sub-collector
Gobichettipalayam, Erode District.



WEB COPY

WP No. 3198 of 2



P.T.ASHA J.

SHR

**WP No. 3198 of 2025
AND
WMP NO. 3540 OF 2025**

23-01-2026