



W.P.No.24848 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

W.P.No.24848 of 2024
and W.M.P.Nos.27198 and 27200 of 2024

R.Sethu

...Petitioner(s)

Vs

1.The District Collector,
Thiruvarur District,
Thiruvarur.

2.The Tahsildar,
Mannargudi Taluk,
Thiruvarur District,
Thiruvarur.

3.The Assistant Director,
Department of Geology and Mining,
Thiruvarur.

...Respondents

Prayer: Writ Petition filed under Article 226 of The Constitution of India
praying for the issuance of a Writ of Certiorari, to call for the records of
the proceedings relating to the impugned Na.Ka.No.5609/2023/A2, dated



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15.02.2024, issued by the second respondent and impugned notice in Na.Ka.1914/2024/A1, dated 13.04.2024, issued by the first respondent and quash the same as arbitrary and illegal.

For Petitioner : Mr.V.P.Sengottuvelan
Senior Counsel
for Mr.P.S.Prabhu

For Respondents : Mr.Stalin Abhimanyu
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned proceedings in Na.Ka.No.5609/2023/A2, dated 15.02.2024, issued by the second respondent and the impugned notice in Na.Ka.1914/2024/A1, dated 13.04.2024, issued by the first respondent.

2. The petitioner was originally granted lease for quarrying Savadu Earth for a period of three years in the land measuring 4.80.0 hectares comprised in R.S.No.218, Thirumakkottai-I Village, Mannargudi Taluk, Thiruvarur District. Lease deed was executed as Document No.2050 of



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2014. At the time of entering into the lease, the petitioner had paid necessary seigniorage fees and security deposit and area assesement charges. Necessary permits were also obtained for quarrying and at the time of expiry of the lease, he has paid an additional sum also for issuance of permit. The lease deed came to an end on 29.05.2017 and the petitioner has stopped quarrying activities on the said date. While so, after a lapse of more than six years, during the last week of December 2023, the third respondent directed the second respondent to collect a sum of Rs.20,10,600/- from the petitioner and on the petitioner's request, he was issued with a photocopy of the letter dated 14.12.2023 issued by the third respondent to the second respondent, from which, the petitioner came to know that the first respondent has issued an order dated 20.06.2018 directing the respondents 2 and 3 to recover the said sum under the Revenue Recovery Act from the petitioner. The petitioner submitted a reply to the first and second respondents informing that he has paid the entire amount that was directed to be paid by the officials while he was carrying on mining operation during the term of the lease. However, without appreciating the submissions of the petitioner, another



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proceedings in letter No.Na.Ka.852/Mines/2016, dated 06.02.2024 was issued by the third respondent to the second respondent to collect the said sum and another demand notice in Na.Ka.No.5609/2023/A2 dated 15.02.2024 was also issued, followed by which, the notice dated 13.04.2024 was issued by the first respondent. The petitioner submitted a detailed representation dated 22.04.2024 to the respondents to provide the copies of the documents which are shown as reference in the communication of the third respondent, for which, he has not yet received any reply. Aggrieved by the impugned notices dated 15.02.2024 and 13.04.2024, the petitioner is before this Court.

3. The learned counsel appearing for the petitioner submits that the impugned notices as well as earlier notice issued by the respondents were passed without affording any opportunity to the petitioner or giving any prior notice to the petitioner. Therefore, the impugned orders suffer from violation of principles of natural justice as well as it is contrary to establish the legal principle of “Audi alteram partem” and therefore, the impugned orders are liable to be set aside.



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4. The learned Additional Government Pleader appearing for the respondents fairly submitted that no show cause notice was issued and no personal hearing was granted to the petitioner before issuing the impugned notices. Therefore, this Court may set aside the impugned notices and remand the matter back to the respondents for fresh consideration.

5. Considering the submissions made by both sides, the impugned notices dated 15.02.2024 issued by the second respondent and 13.04.2024 issued by the first respondent are set aside and the matter is remanded back to the respondents for fresh consideration. The first respondent is directed to issue show cause notice to the petitioner within a period of two weeks from the date of receipt of a copy of this order and conclude the proceedings against the petitioner as expeditiously as possible and since the impugned demand notices have been issued after a lapse of nearly seven years of expiry of the lease, the petitioner has every right to know the basis on which the documents which were considered before issuing



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the impugned notices.

6. Accordingly, this Writ Petition is allowed. There shall be no order as to costs. Consequently, W.M.P.No.27198 of 2024 filed to dispense with the production of the original impugned notice dated 15.02.2024 issued by the second respondent and the impugned notice dated 13.04.2024 issued by the first respondent is ordered and W.M.P.No.27200 of 2024 is closed.

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Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
ssb



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To

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M.DHANDAPANI, J.

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