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WP No. 49977 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2026

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THE HONOURABLE MS. JUSTICE P.T. ASHA

**WP No.49977 of 2025
and
WMP Nos.55884 and 55885 of 2025**

Patel Sethiyahopu - Cholopuram Highway
Pvt. Ltd.
Represented by its Authorised Signatory,
Mr. Narayanan Chinnasamy

Having its registered office
MZ Corporate,
401, 501 and 601 (4th, 5th and 6th Floor),
Ashok Vatika, Double Road Corner,
Iskon - Ambali Road,
Ahmedabad-380058, Gujarat

Also at Km Stone 87, on Sethiyathope
Cholapuram Highways NH-45C,
Chokkalingapuram Village,
Udayarpalayam Taluk,
Ariyalur- District-612 903.

Petitioner in both cases

Vs

1. The District Collector,
Office of the District Collector,
Ariyalur Collectorate Campus,
Ariyalur.

2. The General Manager (Tech) and Project Director,
National Highways Authority of India (PIU),
No.54, Natarajapuram North Colony, Medical
College Road, Thanjavur – 613004.



3.The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Udayarpalayam Division, Udayarpalayam,
Ariyalur District.

4.The Director of Geology and Mines,
Office of the Director of Geology and Mines,
Guindy, Chennai 32.

5.The Thasildhar,
Office of Udayarpalayam Thasildhar,
Jayankondam, Ariyalur District

6.The Executive Engineer (RD),
Rural Development and Panchayet Raj Department,
Office of District Collector, Ariyalur District.

7.The Assistant Director (Geology and Mining),
Office of Geology and Mining,
Office of District Collector, Ariyalur 621704.

Respondents in both cases

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a writ of certiorari, calling for the records pertaining to the Impugned Order dated 06.11.2025 passed by the 1st Respondent in R.C.No.172/Mines/2020 and quashing the same as illegal, arbitrary, and unconstitutional.

For Petitioner(s): Ms.Anila.R.

For Respondent(s): Mr.Stalin Abhimanyu,
Additional Government Pleader
for R1, R3 to R7
Mr Su.Srinivasan for R2

ORDER

Aggrieved by the impugned order, dated 06.11.2025, imposing penalty on the petitioner without either issuing any notice or giving any opportunity to substantiate the case, the petitioner is before this Court.

**2. The brief facts of the case are as follows:**

The petitioner is a Special Purpose Vehicle incorporated in the year 2017. They were awarded with the contract for four-laning of the Sethiyathope-Cholapuram Section of NH-45C by the National Highways Authorities of India. Pursuant to the letter of award, dated 29.09.2017 a Concession Agreement executed in November 2017. The petitioner was permitted multiple quarrying permissions under the Tamil Nadu minor Mineral Concession Rules, 1959 in various villages within Udayarpalayam Taluk, including Sullankudi Village. In the aforesaid village, the petitioner was granted permission by proceedings dated 09.09.2021 to quarry 47,792 Cu.M. of gravel for a period of 11 months. The petitioner would submit that despite directing to remit the statutory dues, extraction process were repeatedly disrupted due to continues rainfall, water stagnation and persistent public objections. On and from April 2022, the petitioner had stopped extraction process. Despite this, the 1st respondent initiated proceedings alleging excess extraction. The show cause notice was issued on 02.12.2024 alleging excess extraction of 6,844 Cu.M. and proposing recovery by penalty from annuity payments. On 20.01.2023, the petitioner had submitted a detailed reply along with documentary proof. Without even conducting an enquiry, the first respondent passed the impugned order, dated 06.11.2025 imposing penalty for a sum of Rs.18,04,608/-. The order was not forwarded to the petitioner immediately and it was forwarded only on 12.12.2025. Hence, this petition.



3. The learned counsel for the petitioner submitted that as against the impugned order, imposing penalty, the petitioner had already filed an appeal before the first respondent and the same is pending. However, the respondents are taking steps to deduct the penalty amount. Hence, he prayed for quashing of the impugned order dated 06.11.2025.

4. Heard the learned counsel on either side and perused the materials available on record.

5. Without traversing through the merits of the case, a mere perusal of the impugned order would clearly indicate that the respondents have neither issued any show cause notice to the petitioner nor given any opportunity to substantiate the case. Inspection has been conducted without informing about the same. On the basis of that inspection, the impugned order has been passed.

6. Therefore considering the fact that the principles of natural justice has not been followed and also taking note of the fact that as against the impugned order dated 06.11.2025, the appeal has been filed by the petitioner which is pending before the first respondent, the first respondent is directed to consider the appeal filed against the impugned order and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner and the interested parties, within a period of two months from the date of receipt of a copy of this order.



7. With the above direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

To

1. The District Collector

Office of the District Collector, Ariyalur Collectorate
Campus, Ariyalur.

2. The General Manager (Tech) and Project Director,
National Highways Authority of India (PIU), No.54,
Natarajapuram North Colony, Medical College Road
Thanjavur - 613004

3. The Revenue Divisional Officer
Office of Revenue Divisional Officer, Udayarpalayam
Division, Udayarpalayam, Ariyalur District.

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Office of the Director of Geology and Mines, Guindy,
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