



C.M.P.(MD) No.1170 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2026

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

C.M.P.(MD) No.1170 of 2026

in

W.A.(MD) SR No.981 of 2026

C.Kasirajan

... Petitioner

-vs-

1.M.Murugesan

2.The District Collector
Pudukkottai District
Pudukkottai

3.The Revenue Divisional Officer
Pudukkottai Division
Pudukkottai District

4.The Tahsildar
Pudukkottai Taluk
Pudukkottai District

... Respondents

PRAYER: Petition filed under Section 151 of the Code of Civil Procedure to grant leave to the petitioner to file a writ appeal as against the order passed by this Court, dated 25.11.2025 in W.P.(MD) No.34028 of 2025.



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For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.S.R.A.Ramachandran
Additional Government Pleader for R2 to R4

ORDER

[Order of the Court was made by DR.G.JAYACHANDRAN, J.]

This civil miscellaneous petition is filed seeking to grant leave to the petitioner herein to prefer an intra court appeal challenging the order dated 25.11.2025, passed by the learned Single Judge in W.P.(MD) No.34028 of 2025, filed by the first respondent / writ petitioner, challenging the notice dated 12.11.2025, issued by the Tahsildar, Kulathur Taluk, for recovery of the penalty of Rs.3,15,50,958/- pursuant to the order passed by the District Collector, Pudukkottai, dated 10.09.2025.

2. In the said writ petition, the first respondent / writ petitioner primarily contended that the proceedings initiated by the Revenue Divisional Officer, Illuppur, *vide* proceedings dated 17.10.2023, imposing penalty for the alleged violation of the Mining Laws is the subject matter of appeal before the District Collector, Pudukkottai and before disposal of the said appeal, the



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impugned notice dated 12.11.2025, has been issued by the Tahsildar, Kulathur Taluk, for recovery of the penalty amount.

3. The learned Single Judge, by an order dated 25.11.2025, has disposed of the said writ petition with the following observation:

“3. There is considerable merit in the contention of the petitioner's counsel that the right of first appeal is a statutory right and that it should not normally be frustrated by enforcing the order in the meanwhile. It is well settled that appeal is a continuation of the original proceedings. All the entire factual and legal matrix are once again opened before the appellate authority. The appellate authority can very well dispose of the appeal expeditiously. The order passed by the jurisdictional Revenue Divisional Officer shall be kept in abeyance and put on hold till the appeal filed by the petitioner is disposed of. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.”

4. In the present civil miscellaneous petition seeking leave of this Court to prefer an intra court appeal as against the said order passed by the learned Single Judge, it is stated that the affidavit filed by the first



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respondent / writ petitioner in the writ petition is misleading, suppression of facts and abuse of process. The recovery process was commenced on the basis of the allegation of illegal mining and violation of the Mining Laws and the proceedings of the Revenue Divisional Officer, Illuppur, dated 17.10.2023. The notice for recovery of the penalty amount, dated 12.11.2025, was issued by the Tahsildar, Kulathur, whereas in the writ petition filed by the first respondent / writ petitioner, neither the Revenue Divisional Officer, Iluppur nor the Tahsildar, Kulathur Taluk, was made as a party. With a deliberate intention to mislead the Court, the Revenue Divisional Officer, Pudukkottai Division and the Tahsildar, Pudukkottai Taluk, were made as party respondents. Since the petitioner herein had earlier filed a public interest litigation before this Court, which was the cause for taking action against the first respondent herein, in collusion with the authorities concerned, the first respondent had not made the Revenue Divisional Officer, Iluppur nor the Tahsildar of Kulathur Taluk as a party respondent. The first respondent / writ petitioner along with the revenue officials is exploiting the natural resources illegally and no action was taken against him despite the direction of this Court and the dictum laid down by the Honourable Supreme Court in the case of **Jeyanth and others vs. State of Madhya Pradesh**, reported in (2021) 2 SCC 670. The intention of the first respondent / writ petitioner really



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shocks the conscious of this Court. Neither the learned Additional Government Pleader, who represented the official respondents in the writ petition, nor the Court had examined the source of the recovery notice impugned in the writ petition. The direction issued by the Tahsildar, Pudukkottai Taluk, who is the third respondent in the writ petition, is non est in view of the fact that the notice impugned in the writ petition was in fact not issued by the Tahsildar, Pudukkottai Taluk, but, it was issued by the Tahsildar, Kulathur Taluk, who was not made as a party respondent in the writ petition. Hence, we are inclined to grant leave to the petitioner.

5. Accordingly, this civil miscellaneous petition seeking to grant leave to the petitioner to file a writ appeal as third party as against the order passed by the learned Single Judge, dated 25.11.2025 in W.P.(MD) No.34028 of 2025, is allowed and the petitioner is granted leave to prefer a writ appeal as third party as against the said order.

6. Registry is directed to number the writ appeal, if the papers are otherwise in order and post the same for admission on 06.02.2026.



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7. Mr.S.R.A.Ramachandran, learned Additional Government Pleader, who takes notice in this civil miscellaneous petition, shall take note of the above observations of this Court and file a report before this Court, when the writ appeal is taken up for admission, with regard to the status of the appeal alleged to have been filed by the first respondent / writ petitioner before the District Collector, Pudukkottai, challenging the proceedings of the Revenue Divisional Officer, Iluppur, dated 17.10.2023.

[G.J., J.]

[K.K.R.K., J.]

04.02.2026

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The Revenue Divisional Officer,
Pudukkottai Division,
Pudukkottai District.
- 3.The Tahsildar,
Pudukkottai Taluk,
Pudukkottai District.



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