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W.P(MD)No.10123 of 2026



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 15.04.2026

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

**W.P(MD)No.10123 of 2026
and
W.M.P(MD)No.7983 of 2026**

M.Thirumalai Kumar

... Petitioner

Vs.

1.The District Collector,
O/o.The District Collector,
Collectorate Building,
Tenkasi District.

2.The Assistant Director,
O/o.The Assistant Director,
Department of Geology and mining
Tenkasi District,
Tenkasi.

...Respondents

Writ Petition is filed under article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 2nd respondent to issue transport permit purpose of carrying on quarry lease on rough stone and gravel for the existing quarrying lease with respect to mining area of an extent of 0.89.5 hectacres comprised in Survey Nos.340/1B, 340/2A, 340/2B1 and 340/2B2, situated at Kanakkapillaivalasai Village, Schenkottai Taluk, Tenkasi District, considering the petitioner's representation dated 12.03.2026 and the reminder representation dated 01.04.2026 on receiving



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necessary payment from the petitioner.

For Petitioner	:Mr.V.Meenakshi Sundaram
For Respondent	:Mr.P.Thambidurai Government Advocate

ORDER

This writ petition is filed for a mandamus directing the second respondent to issue transport permit for the purpose of quarrying lease of rough stone and gravel for the existing quarry lease with respect to extent of 0.89.5 hectares comprised in survey Nos.340/1B, 340/2A. 340/2B1 and 340/2B2 situated Kanakkapillaivalasai Village, Schenkottai Taluk, Tenkasi District, by considering the petitioners representation dated 12.03.2026 and the subsequent reminders.

2.Upon hearing the learned counsel for the petitioner and perusing the material records of the case, the case of the petitioner is that the petitioner has a due license to quarry rough stone as well as gravel in the aforesaid survey numbers. While so, when the petitioner had dumped some rough stone and other materials for the purpose of laying the road to create a pathway to reach the site. The same was taken by the second respondents by stating that the petitioner has quarried outside the permitted area. In any event, the petitioner, without prejudice to his contentions, had also paid the



fine in respect of the same. While so, show cause notice was also issued, leveling the very same allegations. The petitioner has duly submitted his reply that the show cause notice amounts to double jeopardy and had also submitted his explanation also on merits. The respondent, without considering the same, suddenly stopped issuing permits for transport of the mineral and that the petitioner even though is having a valid license and the license period is ticking away, he is not in a position to carrying on his quarrying activity and therefore, the petitioner is before this court.

3.Per contra, the learned Government Advocate appearing on behalf of the respondent by placing reliance on written instructions issued to him on 13.04.2026 would submit that the petitioner has violated Rule 36(5)(H) of the Tamil Nadu Minor Mineral Concession Rules, 1959 and the show cause notice dated 03-12-2025 is issued in respect thereof. The petitioner had submitted his explanation on 16.12.2025 and further representations were also made on 12.03.2026 and 01.04.2026 which is under consideration and process. Only because the above show cause notice is issued, as to why the permission for quarry should not be cancelled the permits are not being issued by the respondent.



4.I have considered the rival submissions made on either side and perused the material records of the case.

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5.With reference to the submissions that are made as to the merits of the show cause notice, it is not for this Court to consider the same at this stage. When the petitioner has duly submitted his reply to the show cause notice, the same will be considered by the authority and appropriate orders will be passed. In the meanwhile, it is not the case of the authority that any order of suspension has been passed in the absence of any suspension order issuing of permits cannot be withheld.

6.Therefore, this writ petition is disposed of on the following terms.

(i)It will be open for the respondent authorities to pass final orders in accordance with the law in respect of the show cause notice dated 03.12.2025. Until such time, since no order of suspension has been passed, the issue of permits cannot be refused to the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

15.04.2026

NCC:Yes/No
Ns



To

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O/o.The Assistant Director,
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Tenkasi District,
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D.BHARATHA CHAKRAVARTHY, J.

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15.04.2026