

W.P(MD)No.9828 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 09.04.2026

CORAM

THE HONOURABLE MR JUSTICE D.BHARATHA CHAKRAVARTHY

W.P(MD)No.9828 of 2026
and
W.M.P(MD)Nos.7750 and 7751 of 2026

Mr.C.Selvaraj

... Petitioner

Vs.

1. The Director,
Department of Geology and Mining Guindy,
Chennai.
2. The District Collector,
Dindigul District,
Dindigul.
3. The Sub Collector,
Palani,
Dindigul District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records pertaining to the impugned order passed by the 3rd respondent in his proceedings in Na.Ka.No.6077/2024/A7 dated 29.11.2024 and consequential impugned order passed by the 2nd respondent in petitioner appeal through in his proceedings Na.Ka.No.



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81-1/2024(Kanimam) dated 08.08.2025 and subsequent impugned order passed by the 1st respondent in petitioner second appeal through in his proceedings in Na.Ka.No.9399/M.M.12/2025 dated 12.01.2026 and quash the same as illegal and pass such other or further orders as this Honble Court may deem fit and proper in the circumstances of this case and thus render justice.

For Petitioner :Mr.G.Subiksha

For R1 to R3 :Mr.M.Lingadurai
Special Government Pleader

ORDER

The present writ petition has been filed for the following relief:-

“Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records pertaining to the impugned order passed by the 3rd respondent in his proceedings in Na.Ka.No.6077/2024/A7 dated 29.11.2024 and consequential impugned order passed by the 2nd respondent in petitioner appeal through in his proceedings Na.Ka.No.81-1/2024(Kanimam) dated 08.08.2025 and subsequent impugned order passed by the 1st respondent in petitioner second appeal through in his proceedings in Na.Ka.No.9399/M.M.12/2025 dated 12.01.2026 and quash the same as illegal and pass such other or further orders as this Honble Court may deem fit and proper in the circumstances of this case and thus render justice.”



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2. Heard M/s.G.Subiksha, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader, who takes notice on behalf of the respondents.

3. Upon hearing the learned counsel for the petitioner and perusing the material records of the case, it is seen that the petitioner is a licensed operator having a brick chamber and is permitted to quarry with reference to Survey Nos. 107/5 and 107/3C.

4. While so, when proceedings were initiated by the original authority and the penalty amount was calculated with reference to unauthorized quarrying/access, it is the case of the petitioner that certain lands quarried by third parties in adjacent areas were also wrongly attributed to the petitioner while determining the quantum. This was done even though the Appellate Authority, namely the District Collector, had conducted an inspection. No opportunity was granted to the petitioner at the time of such inspection. The petitioner preferred an appeal under Section 36-C to the second Appellate Authority, namely the



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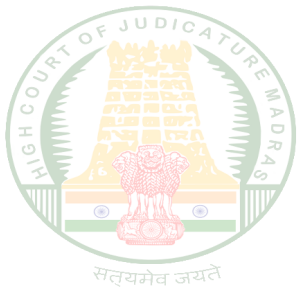
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1st respondent herein, the Director of the Department of Geology and Mining. However, the appeal was filed after a delay of 66 days, whereas it ought to have been filed within 30 days. Consequently, the same was rejected.

5. The learned counsel for the petitioner would submit that, when the appeal contains detailed reasons explaining the delay, the 1st respondent ought to have considered the same on merits.

6. Per contra, the learned Special Government Pleader appearing for the respondents would submit that there is no provision for condonation of delay. Since the petitioner did not file the appeal within the prescribed time limit of 30 days, it was rightly rejected by the authority.

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



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8. It is true that Rule 36-C of the Tamil Nadu Minor Mineral Concession Rules, 1959 does not provide for condonation of delay, and therefore, the second Appellate Authority was justified in rejecting the appeal by the impugned order. However, considering the overall facts and circumstances of the case, particularly the reasons for delay, I am of the view that an opportunity may be granted to the petitioner.

9. In view thereof, the writ petition is partly allowed on the following terms:-

- i. The impugned order passed by the 1st respondent dated 12.01.2026 stands shall stands set aside and the matter is remanded back to the file of the 1st respondent by treating the appeal filed by the petitioner as in time.



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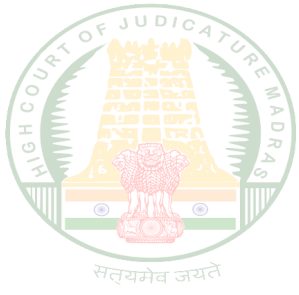
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ii. The 1st respondent shall consider the appeal on its own merits and pass orders in accordance with law. The said exercise shall be completed as expeditiously as possible, not later than three months from the date of receipt of the web copy of the order without waiting for the certified copy of the order.

iii. No costs. Consequently, connected miscellaneous petitions are closed.

09.04.2026

Index: Yes
Speaking Order: Yes
Neutral Citation: No
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