

WP(MD)No.35048 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 08.12.2025  
Pronounced on : 03.06.2026

CORAM

**THE HONOURABLE MR. JUSTICE B.PUGALENDHI**

**WP(MD)No.35048 of 2025**  
**and**  
**WMP(MD)Nos.27734 and 27735 of 2025**

C.Ramesh

... Petitioner

Vs

1. The Government of Tamil Nadu,  
represented by  
the Additional Chief Secretary to Government (FAC),  
Natural Resources (MMC.1) Department,  
Fort St.George, Secretariat, Chennai – 600 009.
2. The Commissioner of Geology and Mining,  
Office of the Commissioner of Geology and Mining,  
Guindy, Chennai – 600 032.
3. The Revenue Divisional Officer,  
Office of the Revenue Divisional Officer,  
Tirunelveli District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,  
for issuance of a writ of certiorari calling for the records pertaining to the  
impugned order in GO(2D) No.18, dated 22.08.2025 passed by the 1<sup>st</sup>  
respondent and quash the same as illegal.

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For Petitioner : Mr.OR.Gokul Abimanyu  
For Respondents : Mr.Ajmal Khan,  
Additional Advocate General  
Assisted by Ms.S.Jeya Priya  
Government Advocate

### **ORDER**

The petitioner, a rough stone quarry operator, has filed this writ petition to quash the Government Order in G.O.(2D).No.18, Natural Resources (MMC.1) Department, dated 22.08.2025. The Government vide the impugned order has taken a *suo motu* revision on the proceedings of the Commissioner of Geology and Mining in RC.No.7153/MM6/2022, dated 05.12.2022.

2.The petitioner has been granted rough stone and gravel quarrying lease in SF No.375, Palamadai Village (4.89.5 hectares) for a period of 5 years on 25.08.2020 by the Assistant Director of Geology and Mining, Tirunelveli. It appears that an accident had occurred in a rough stone quarry in Tirunelveli district, where several persons died. Therefore, as per the proceedings of the Director of Geology and Mining dated 18.05.2022, a Special Team conducted inspection at the quarries in

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Tirunelveli District. The team consisting of the Joint Director (Mines) Kanyakumari District, the Assistant Director (Mines), Dharmapuri, the Assistant Geologist, Theni, Tasildar, Tirunelveli and the Deputy Thasildar, Tirunelveli, inspected the petitioner's quarry site on 27.05.2022 and submitted a report on 07.06.2022 that this petitioner has illegally quarried and transported 5,045 cbm gravel sand and 2,71,974 cbm rough stone beyond the permitted limit from the leasehold area and therefore, necessary action has to be taken as against the petitioner / lessee for the violation of the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 (hereinafter referred to as 'the Act') and the Tamil Nadu Minor Mineral Concessions Rules (hereinafter referred to as 'the Rules'). The Revenue Divisional Officer, Tirunelveli conducted an enquiry based on the report of the Special Team, by issuing a show cause notice to the petitioner and imposed a penalty of Rs.13,65,83,222/- as the cost of the minerals, seigniorage fee and one time seigniorage fee under Rule 36 (A)(1) of the Rules. As against this penalty order dated 18.10.2022, an appeal was preferred by the petitioner and the same was entertained by the Commissioner of Geology and Mining Department in RC.No.7153/MM6/2022 and the



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Commissioner by his initial proceedings dated 12.11.2022 modified the penalty as Rs.1,99,55,539/- by deleting the cost of minerals imposed by the Revenue Divisional Officer. The Commissioner by his order dated 12.11.2022 also permitted the petitioner to continue the quarry operation and has also extended the lease for a period of 5 months citing the non- operation of the quarry from 15.05.2022 to 20.09.2022. The petitioner instead of preferring an appeal as specified in the proceedings of the Commissioner has submitted a representation to the Commissioner on 02.12.2022 based on which the revised order dated 05.12.2022 has been passed by the Commissioner deleting the quantity of gravel and modifying the quantum of rough stone as 1,82,057 cbm instead of 2,71,974 cbm and has modified the penalty amount as Rs.1,33,89,635/- instead of Rs.1,99,55,539/-. The petitioner has not challenged any of the orders passed by the Commissioner dated 12.11.2022 and 05.12.2022. However, the Government has taken up *suo motu* revision of the orders of the Commissioner, Geology and Mining Department under Rule 40 of the Rules, issued show cause notice to the petitioner and set aside the proceedings of the Commissioner dated 05.12.2022, vide the impugned government order dated 22.08.2025.



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While setting aside the order passed by the Commissioner, the Government has also fixed the penalty as Rs.3,53,02,226/- for the removal of 2,71,974 cbm of rough stones and a sum of Rs.3,66,268/- for the removal of 5045 cbm gravel beyond the quantity covered under the permits.

3.The order of the Commissioner has been set aside on the following grounds by the Government:

i.The petitioner / lessee has carried out illicit quarrying and transportation of excess volume of gravel and rough stone unlawfully from the quarry lease granted.

ii.The Commissioner has passed orders under 36-D of the Rules as against the order passed by the RDO without jurisdiction and in violation of the Act and the Rules.

iii.The Commissioner has ordered for extension of lease for a period of 5 months beyond his jurisdiction by usurping the powers of the District Collector / Assistant Director (Geology and Mining) under Rules 8 and 19 of the Rules.

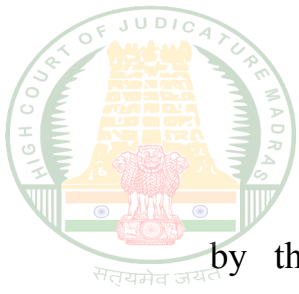


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iv. The Commissioner has levied penalty restricting the quantum of rough stone alone as 1,82,057 cbm instead of the volume determined by the inspection team as 2,71,974 cbm.

4. The learned counsel appearing for the petitioner submits that the explanation to Section 21(5) of the Act specifies that “raising, transporting or causing to raise or transport any minerals without any lawful authority” means doing the same without prospecting licence, mining lease or composite licence. The petitioner has obtained lease from the competent authority and the allegations against the petitioner only pertain to excessive quarrying than the permitted quantum. Therefore, Sections 4(1) and 4(1A) of the Act are not attracted in the case and the impugned order has been passed without application of mind and is liable to be aside.

5. This Court has directed the learned Additional Advocate General to find out as to whether any similar orders have been passed by this Commissioner under Rule 36-D of the Rules and the learned Additional Advocate General submitted that several such orders have been passed



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by this Commissioner and the same are being reviewed by the Government.

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6. Heard the learned counsel on either side and also perused the materials.

7. The Government has taken a *suo motu* revision as against the proceedings of the Commissioner, Geology and Mining Department, dated 05.12.2022, under Rule 40. Rule 40 enables the State Government to revise any order of any subordinate authority, passed in exercise of the powers conferred on that authority under the Rules, for good and sufficient reasons. However, no order shall be passed under this Rule without providing hearing to the persons, who would be adversely affected by that order. Therefore, the government has issued show cause notice to the petitioner on 19.12.2024, the petitioner has made a written submission on 08.01.2025 and the brother of the petitioner appeared in the personal hearing. Thereafter, the impugned order has been passed on 22.08.2025. Therefore, the government is having powers to take *suo motu* revision as against the order passed by the Commissioner and

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the order has been passed after providing due opportunity to the petitioner.

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8.The Commissioner of Geology and Mining, in his order dated 05.12.2022 has revised the earlier order passed by the Revenue Divisional Officer, Tirunelveli in RC.No.7153/MM6/2022, dated 12.11.2022. The Commissioner has passed this proceeding under Rule 36-D of the Rules, based on the appeal filed by the petitioner. The petitioner / quarry operator has suffered penalty from the Revenue Divisional Officer under Rule 36-A. As against the order passed under Rule 36-A, an appeal remedy is provided under Rule 36-C and the same is relevant and extracted as under:

*“36-C. Appeal and second Appeal:- (1)Any person aggrieved by any order of the Joint Director, Deputy Director or Assistant Director (Geology and Mining) or any authority subordinate to him in the District office of the Department of Geology and Mining or Revenue Divisional Officer or Tahsildar or Deputy Tahsildar in the Revenue Department or Commissioner of Municipalities and Corporations, Executive Officers of Town panchayats and Townships and presidents of village panchayats made in exercise of the powers conferred on him by these rules or in exercise of any of the powers delegated to him under the provisions of these rules may within 30 days from the date of receipt of the*



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*order, prefer appeal to the District Collector concerned against such order. In case, the aggrieved person is not satisfied with the decision of the District Collector he may prefer a second appeal to the Director of Geology and Mining within 30 days from the date of receipt of the order of the District Collector.*

*(2)Any person aggrieved by any order made by the District Collector in exercise of the powers conferred on him by these rules, except on appeals under sub-rule (1) may, within 30 days from the date of communication of the order to him, appeal to the Director of Geology and Mining against such order. In case, the aggrieved person is not satisfied with the decision of the Director of Geology and Mining, he may prefer a second appeal to the State Government within 30 days from the date of receipt of the order of the Director of Geology and Mining.*

*(3)Any person aggrieved by any order made by the Director of Geology and Mining in exercise of the powers conferred on him by these rules, may, within 30 days from the date of receipt of the order, appeal to the State Government.”*

9.However, the petitioner instead of filing statutory appeal before the District Collector as provided under Rule 36-C has preferred an appeal directly before the Commissioner in violation of the Rules and the Commissioner has also entertained the same under Rule 36- D. It is relevant to extract Rule 36-D and the same is extracted hereunder:



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*“36-D. Settlement of questions or disputes regarding an agreement: - Should any question or dispute arise regarding an agreement executed in pursuance of these rules, or any matter or thing connected therewith or the powers of the registered holders thereunder, the amount or payment of seigniorage fee or lease amount or area assessment made payable thereby, the matter in issue shall be decided by the Director of Geology and Mining. In case the registered holder or the lessee is not satisfied with the decision of the Director of Geology and Mining, the matter shall be referred to the State Government for decision.”*

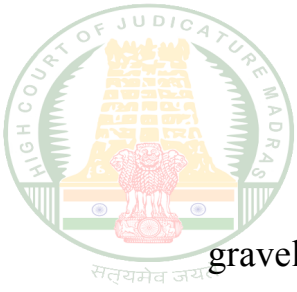
10.Rule 36-D of the Rules deals with the disputes regarding the agreement executed under the Rules or the powers of the registered lease holders or the fees payable as per the agreement. This provision is in no way connected to the penalty imposed by the Revenue Divisional Officer relating to illegal quarrying and transportation of minerals by the petitioner. However, the Commissioner has entertained the appeal filed by the petitioner without any jurisdiction and has passed the order dated 12.11.2022. The Commissioner in his order dated 12.11.2022 has come to a conclusion that this petitioner without valid permit, has quarried and transported gravel and rough stone to an extent of 5045 cbm and 2,71,974 cbm respectively and imposed a penalty of



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Rs.1,99,55,539/- by excluding the cost of mineral imposed by the Revenue Divisional Officer. Further, the Commissioner has also granted extension of the rough stone quarry lease to the petitioner which is within the authority of the District Collector/ Assistant Director (Geology and Mining). The Commissioner has also suggested in his order dated 12.11.2022 that if the petitioner is aggrieved by that order, he is having an appeal remedy before the government under Rule 36-C(2) of the Rules. However, without preferring such an appeal, the petitioner has submitted a representation on 02.12.2022 to the Commissioner that the quantum of gravel to an extent of 5,045 cbm and rough stone to an extent of 89,917 cbm was very much available in the quarry site. On the basis of this representation, the Commissioner has once again committed an error by entertaining the representation of the petitioner and passed a modified order on 05.12.2022 revising the penalty from Rs.1,99,55,539/- to Rs.1,33,89,635/-.

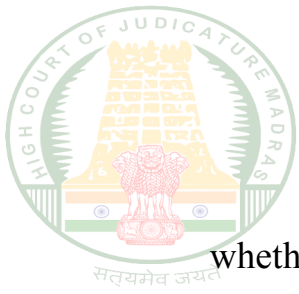
11.It is pertinent to note that as per the inspection report dated 07.06.2022, based on physical inspection of the petitioner's rough stone quarry, the petitioner has illegally quarried and transported 5,045 cbm of



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gravel and 2,71,974 cbm of rough stone. However, the Commissioner has modified the quantum of penalty by simply accepting the representation of the petitioner that a portion of the illegally quarried minerals were available within the leasehold premises, without even verifying the averments made by the petitioner. Further, the Commissioner has directed the Assistant Director of Geology and Mining, Tirunelveli to verify whether the petitioner has indulged in illegal quarrying and transportation of minerals from the non-leased areas and to ascertain whether the overburden is dumped in the leased area. Such verification ought to have been done before passing an order reducing the penalty imposed on the petitioner. The findings of the inspection team have been disregarded by the Commissioner without any justification. In fact, the Commissioner has deleted 5,045 cbm of gravel from the penalty order which was the full quantity reported by the inspection team with regards to gravel. Therefore, this court is of the opinion that the proceedings dated 15.11.2022 and 05.12.2022 of the Commissioner are atrocious, without any jurisdiction and against the law, which cannot survive for even a moment. The manner in which the appeals of the petitioner have been dealt with by the Commissioner raises reasonable suspicion as to

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whether corrupt practices were adopted by the Commissioner in dealing with the appeal of the petitioner, which requires further investigation.

12. The learned Additional Advocate General admits that this officer has passed several such orders by invoking Rule 36-D of the Rules and the same has been brought to the knowledge of the government through a non governmental organisation viz., Arappor Iyakkam. It appears that this NGO has pointed out the infirmities in the illegal quarry activities in Tirunelveli, which resulted in the inspection and imposition of penalty on the quarry operators including the petitioner. However, the quarry operators found an easy method to escape from the penalties, by directly filing an appeal before the Commissioner, instead of filing statutory appeal before the District Collector and the Commissioner has also entertained such appeals without jurisdiction and passed erroneous orders favouring the quarry operators. Section 4 of the Act specifies that mining operations shall be undertaken only in accordance with the terms and conditions of the mining lease. Further Section 4(1A) specifies that no transportation of minerals shall be undertaken in violation of the Act and Rules.



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In the present case, the petitioner has illegally quarried and transported minerals in violation of the rough stone quarry lease. Therefore, this court is not inclined to entertain this writ petition. While sustaining the impugned government order, this court also directs the government to review all the orders passed by this Commissioner under Rule 36-D, verify the manner in which the same has been entertained and take appropriate action in accordance with the law.

In the result, this writ petition is dismissed. No costs. Consequently connected miscellaneous petitions are closed.

**03.06.2026**

DSK

To

- 1.The Additional Chief Secretary to Government (FAC),  
Natural Resources (MMC.1) Department,  
Fort St.George, Secretariat, Chennai – 600 009.
- 2.The Commissioner of Geology and Mining,  
Office of the Commissioner of Geology and Mining,  
Guindy, Chennai – 600 032.

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3. The Revenue Divisional Officer,  
Office of the Revenue Divisional Officer,  
Tirunelveli District.

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**B.PUGALENDHI, J.**

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