



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2020

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WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.9359 of 2020

and

W.M.P (MD)Nos.8507 and 8509 of 2020

M/s.Kumaran Mines,
Rep.by M.Ilangovan,
2/52, D1, Main Road, Siviya Nagar, Alagapuram,
Salem-636004

... Petitioner

Vs.

The District Collector,
Virudhunagar District,
Virudhunagar.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the respondent in his proceedings in Na.Ka.KV1/319/2019, dated 30.06.2020 and quash the same so far as it relates to period from 2005-06 to 14.01.2016.

For Petitioner	: Mr.A.Rahul
For Respondent	: Mr.K.Chellapandian, Additional Advocate General Assisted by Mr.S.Angappan, Government Advocate

O R D E R

Heard the learned counsel for the Writ Petitioner and the learned Additional Advocate General for the respondent.

2.The petitioner was granted lease for quarrying limestone in his patta land. The lease was granted way back on 11.02.2005. The petitioner has now been visited with the impugned order dated 30.06.2020 calling upon him to pay the penalty to the tune of Rs.33,10,756/-, on the ground that he has not obtained environmental clearance. The requirement of obtaining environmental clearance became necessary following the judgment of the Honourable Supreme Court in Deepakkumar's case in the year 2012. But then, the enforcement was with effect from 15th January 2016. But in the case on hand, the demand is right from the inception of the lease itself that is 2005-2006.



3. Therefore, I have to necessarily quash the impugned memorandum. However, the last portion of the impugned order cannot be touched in this case on that ground. Since a composite order has been passed, even while quashing the order impugned in this Writ Petition, I permit the respondent to pass orders afresh in accordance with law against the petitioner for not having obtained environmental clearance.

4. This Writ Petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

das

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The District Collector,
Virudhunagar District,
Virudhunagar.

+1 CC to M/s.GP (SR-15964[F] dated 04/09/2020)

W.P. (MD)No.9359 of 2020

and

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