



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 10.01.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.14620 OF 2021

AND

W.M.P.NO.15504 OF 2021

M.Vetrivel

...Petitioner

Vs

1.The District Collector,
Vellore District,
Vellore.

2.The State Level Environment,
Impact Assessment Authority (SEIAA)
rep.by its Chairman,
3rd Floor, Pangal Maligai,
No.1, Jeenis Road, Saidapet, Chennai 600 015.

3.The Assistant Director,
Department of Geology and Mining,
Vellore.

...Respondents

Prayer : Writ Petitions have been filed under Section 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the entire records of the 1st Respondent which culminated in Impugned Demand Notice vide its proceedings in Na.Ka.No.200-11 / 2018 (Mines) Dated 10.8.2019 and quash the same and consequently direct the respondent to allow the petitioner to run the quarry Lease of Rough stone/ Gravel Quarry in the Poromboke Lands situated in S.No.638/1 (Part.2) measuring an extent of 1.00.0 Hectares situated at Agraharam village, Tirupattur Circle, Vellore District for the further period of 5 years.

For Petitioner : Ms.T.Dharani

For Respondents : Mr.K.Srinivasamurthy
Senior Panel Counsel for R2

Mr.B.Vijay
Additional Government Pleader for R1&R3



ORDER

The present petition has been filed for issuance of Certiorarified Mandamus to call for the entire records of the 1st Respondent which culminated in Impugned Demand Notice vide its proceedings in Na.Ka.No.200-11 / 2018 (Mines) Dated 10.8.2019 and quash the same and consequently direct the respondent to allow the petitioner to run the quarry Lease of Rough stone/ Gravel Quarry in the Poromboke Lands situated in S.No.638/1 (Part.2) measuring an extent of 1.00.0 Hectares situated at Agraharam village, Tirupattur Circle, Vellore District for the further period of 5 years.

2. When the matter is taken up for hearing, learned Addl. Government Pleader brought to the notice of this Court that vide order dated 23.12.2021 in W.P. No.32563/2019, etc. Batch, this Court had dismissed the petitions filed by the petitioners therein, questioning similar notices levying penalty for the period aforesaid and, therefore, it is submitted that similar order may be passed in this petition as well.

3. This Court, vide order dated 23.12.2021 in W.P. No.32563/2019, etc. Batch, while considering identical notices levying penalty on the petitioner therein for continuing quarrying operations without obtaining environmental clearance certificate, dismissed the petitions holding that the levy of penalty on the petitioner for failing to submit environmental clearance certificate is perfectly justified for the reasons stated therein. The present petition, being on identical set of facts and circumstances, the order passed in W.P. No.32563/2019, etc. Batch, are squarely attracted and, therefore, there are no merits in this petition as well and the same deserves to be dismissed.

4. Accordingly, this writ petition fails and, accordingly, the same is dismissed. Consequently, connected miscellaneous petition is closed. However, in the circumstances of the case, there shall be no order as to costs.

Sd/-
Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

sk

To

1.The District Collector,
Vellore District, Vellore.



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2.The Chairman,
The State Level Environment,
Impact Assessment Authority (SEIAA)
3rd Floor, Pangal Maligai,
No.1, Jeenis Road, Saidapet, Chennai 600 015.

3.The Assistant Director,
Department of Geology and Mining,
Vellore.

+1cc to Mr.K.Srinivasamurthy, Advocate Sr.No.2064

+1cc to T.Dharani, Advocate Sr.No.2441

+1cc to the Government Pleader Sr.No.2715

W.P.NO.14620 of 2021

MT (CO)
RVM(08/02/2022)