

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 06.01.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NOS.15379 and 15382 OF 2021  
and W.M.P.Nos.16269 and 16272 of 2020

The India Cements Limited  
rep.by its Chief Manager-legal  
Mr.Adinarayana Rao  
having corporate office at  
'Coromandal Towers'  
No.93 Santhome High Road,  
Karpagam Avenue,  
R.A.Puram, Chennai 600 028.

... Petitioner in both petitions

- Vs -

1. State of Tamil Nadu  
rep.by its Secretary to Government,  
Revenue Department,  
Fort St.George,  
Chennai.
2. The District Collector,  
Namakkal District,  
Namakkal.
3. The Director,  
Department of Geology and Mining,  
Chennai.

... Respondents in both petitions

Common Prayer: Writ Petitions have been filed under Section 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records of the 2<sup>nd</sup> respondent relating to the impugned demand notice in proceedings in Na.Ka.No.641/Minerals/2019 dated 06.08.2019 and quash the same.

For Petitioners in  
both petitions : Mr.P.S.Raman, Senior counsel  
for Mr.K.Harishankar

For Respondents in  
all petitions : Mrs.C.Sangamithirai  
Additional Government Pleader

COMMON ORDER

The present petitions have been filed for issuance of Certiorari to call for the records of the 2<sup>nd</sup> respondent relating to the impugned demand notice in proceedings in Na.Ka.No.641/Minerals/2019 dated 06.08.2019 and quash the same.

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 these petitions 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 petitions, 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, these writ petitions fail and, accordingly, the same is dismissed. Consequently, connected miscellaneous petitions are closed. However, in the circumstances of the case, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,  
Revenue Department,  
Fort St.George,  
Chennai.

2. The District Collector,  
Namakkal District,  
Namakkal.
3. The Director,  
Department of Geology and Mining,  
Chennai.

+2cc to Mr.K.Harishankar, Advocate, S.R.No.1227

+2cc to Mr.K.Harishankar, Advocate, S.R.No.1228

W.P. NOS.15379 and 15382 OF 2021

MT (CO)  
CT 08/02/2022