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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 11.01.2022

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NOS.17071, 17073 & 17068 OF 2020
and W.M.P.Nos.21138, 21141 & 21136 of 2020

M/s.Aswani Enterprises
rep by its Managing Partner K.Subba Reddy
No.49A Jayapuram Colony Tindivanam
Villupuram District.

... Petitioner in W.P.No.17071 of 2020

K.Ramesh

... Petitioner in W.P.No.17073 of 2020

A.Sundarrajan

... Petitioner in W.P.No.17068 of 2020

- Vs -

1 State of Tamilnadu
rep by Secretary to Government,
Indus. Dept,
Fort St. George, Chennai- 600 009.

2 The District Collector,
Villupuram District, Villupuram.

3 The State Level Environmental -
Impact Assessment Authority, (SEIAA)
rep by its Chairman,
3rd Floor, Panagal Maligai No.1,
Jeenis Rd , Saidapet, Chennai.600 015.

... Respondents in W.P.Nos.117071 & 7073 of 2020

1 State of Tamilnadu
rep by Secretary to Government,
Indus. Dept,
Fort St. George, Chennai- 600 009.

2 The District Collector,
Tiruppur District, Tiruppur.



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3 The State Level Environmental -
Impact Assessment Authority, (SEIAA)
rep by its Chairman,
3rd Floor, Panagal Maligai No.1,
Jeenis Rd , Saidapet, Chennai 600 015

... Respondents in W.P.No.17068/2020

Prayer in W.P.No.17071/2020: Writ Petition has been filed under Section 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records relating to the 2nd respondents impugned demand notice bearing Na. Ka. NO. G/G and M/297/ 2019-32 dated 06.07.2020 in respect of the petitioners Pattalands block granite quarry measuring 1.38.5 Hec comprised in S.F. No. 169/9 169/10 169/12 and 172/1 (Part) and situated in Karasanur Village Vanur Taluk Villupuram District quash the same.

Prayer in W.P.No.17073/2020: Writ Petition has been filed under Section 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records relating to the 2nd respondents impugned demand notice bearing Na. Ka. NO. G/G and M/297/ 2019-36 dated 06.07.2020 in respect of the petitioner's Patta lands granite quarry measuring 1.21.5 Hec comprised in S.F. Nos. 93/4(Part) 93/5(part) 94(part) 106/15(part) 106/20(part) 106/21(part) 106/22(part) and 106/23 (part) situated in Siruvalai Village, Villupuram Taluk, Villupuram District, quash the same.

Prayer in W.P.No.17068/2020: Writ Petition has been filed under Section 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records relating to the 2nd respondents impugned notice bearing Na. Ka. NO. 533/ Mines/ 2019 dated 10.09.2019 in respect of the petitioners Pattalands rough stone/ gravel quarry measuring 2.02.0 Hec comprised in S.F. No. 857 (Part) and 860/2B situated in Mudalipalayam Village, Kangeyam Taluk, Tiruppur District, quash the same.

For Petitioners in all petitions : Mr. K.Ramakrishna Reddy

For Respondents in all petitions : Mr.B.Vijay RR1 & 2
Additional Government Pleader
Mrs.Sunitha Kumari R3

COMMON ORDER

The present petitions have been filed for issuance of Certiorari to call for the records relating to the 2nd respondents impugned demand notice bearing Na. Ka. NO. G/G and M/297/ 2019-32 dated 06.07.2020 in respect of the petitioners Pattalands block granite quarry measuring 1.38.5 Hec comprised



in S.F. No. 169/9 169/10 169/12 and 172/1 (Part) and situated in Karasanur Village, Vanur Taluk, Villupuram District, 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 Memorandums 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 Memorandums levying penalty on the petitioners therein for continuing quarrying operations without obtaining environmental clearance certificate, dismissed the petitions holding that the levy of penalty on the petitioners 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, is 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 are 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-VI)

//True copy//

Sub Assistant Registrar

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To

- 1 The Secretary to Government,
State of Tamilnadu
Indus. Dept,
Fort St. George, Chennai- 600 009.
- 2 The District Collector,
Villupuram District, Villupuram.
- 3 The Chairman,
The State Level Environmental -
Impact Assessment Authority,
3rd Floor, Panagal Maligai No.1,
Jeenis Rd , Saidapet, Chennai.



4. The District Collector,
Tiruppur District, Tiruppur.

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+1cc to Mr.K.Ramakrishna Reddy, Advocate SR.No.2659

+1cc to Government Pleader SR.No.3018

+2ccs to Mr.K.Ramakrishna Reddy, Advocate SR.No.2659 (09.02.2022)

W.P. NOS.17071, 17073 & 17068 OF 2020
and W.M.P.Nos.21138, 21141 & 21136 of 2020

GPL (CO)

GMV (04/02/2022)