



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :25.01.2022

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO.19008 OF 2020

AND

W.M.P.NO.23569 OF 2020

Tmt.R.Bhuvaneswari

... Petitioner

- Vs -

1. State of Tamil Nadu,
Rep. By Secretary to Government,
Indus. Dept, Fort St.George,
Chennai-600 009.
2. The District Collector,
Kallakurichi District,
Kallakurichi.
3. The State Level Environmental
Impact Assessment Authority (SEIAA),
Rep. By its Chairman, 3rd Floor,
Panagal Malaigai, No.1, Jeenis Road,
Saidapet, Chennai-600 015.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Certiorari calling for the records, relating to the 2nd respondent's impugned demand notice bearing Na.Ka.No.G/G&M/43/2020-1, dated 22.07.2020 in respect of the petitioner's patta lands granite quarry totally measuring 1.38.0 Hec comprised in S.F.Nos.109/17, 109/25A1, 109/25B, 109/26B & 109/28, situated in Ulagiyanallur Village, Chinnasalem Taluk, Kallakurichi District, quash the same.

For Petitioner : Mr.K.Ramakrishna Reddy

For Respondents : Mrs.C.Sangamithirai,
Special Government Pleader



ORDER

The present petition has been filed seeking quashment of the impugned order dated 22.07.2020 passed by the 2nd respondent herein.

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2. When the matter is taken up for hearing, learned Special 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 show cause notice 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 show cause notices 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, the 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

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
State of Tamil Nadu,
Indus. Dept, Fort St.George,
Chennai-600 009.
2. The District Collector,
Kallakurichi District,
Kallakurichi.
3. The Chairman,
The State Level Environmental
Impact Assessment Authority (SEIAA),
3rd Floor,
Panagal Malaigai, No.1, Jeenis Road,
Saidapet, Chennai-600 015.

+1cc to Mr.K.Ramakrishna Reddy, Advocate, S.R.No.4666
+1cc to the Government Pleader, S.R.No.4700,5267

W.P. No.19008 of 2020
and
W.M.P.Nos.23569 of 2020

SV(CO)
PM/10/02/2022