



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2022

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD)Nos.3398 & 3399 of 2020

and

W.M.P. (MD)Nos.2858 & 2859 of 2020

WEB COPY

M/s.Bala Vinayaga Blue Metals,
Represented by its Managing Partner,
K.Thangaraj,
S/o.Kandasamy,
S.F.No.571, Saminathapuram,
Munnur Post,
Pugalur Taluk,
Karur District.

... Petitioner in both W.Ps.
Vs.

The District Collector,
Karur District,
Karur.

... Respondent in both W.Ps.

Prayer in W.P. (MD)No.3398 of 2020: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the respondent vide his proceedings in Na.Ka.No.712/Mineral/2019, dated 07.02.2020 and quash the same.

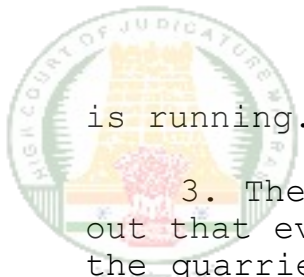
Prayer in W.P. (MD)No.3399 of 2020: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the respondent vide his proceedings in Na.Ka.No.827/Mineral/2019, dated 07.02.2020 and quash the same.

For Petitioner	: Mr.AN.Ramanathan
For Respondent	: Mr.P.Thilak Kumar
(in both W.Ps.)	Government Advocate

COMMON ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

2. The petitioner was given licence to run a rough stone quarries in the petition mentioned survey numbers. By the impugned memorandum, the petitioner has been called upon to show cause as to why the licences issued to the petitioner should not be cancelled. Questioning the same, the petitioner moved these writ petitions. By virtue of the interim order granted by this Court, the crusher unit



is running.

3. The learned counsel appearing for the petitioner would point out that even at the show cause notice stage, direction for stopping the quarries from functioning has been issued. As rightly pointed out by the learned counsel appearing for the petitioner, the said stoppage order has been passed on the strength of an ex-parte expert report.

4. Since the stoppage order has been passed without hearing the petitioner, the same is set aside. The petitioner states that the complainant's brother M.Kathirvel filed O.A.No.106 of 2021 before the National Green Tribunal, Southern Zone, Chennai and that the same was dismissed. The petitioner can produce the same before the respondent. Since the National Green Tribunal is the competent forum to go into many of the issues projected in the show cause notice, it is obvious that the respondent cannot take a contra view. However, by citing the order passed by the National Green Tribunal, the impugned show cause notice cannot be quashed in *toto*. This is because, there is an allegation that the petitioner did excess quarrying. This aspect of the matter was not gone into by the National Green Tribunal. Therefore, the respondent can very well conduct enquiry in respect of those allegations that were not considered by the National Green Tribunal.

5. Leaving open the said issue, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

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To

The District Collector,
Karur District, Karur.

+1 CC to Mr. Special Government Pleader, SR.No. 28725
+1 CC to M/s.AN. RAMANATHAN, Advocate (SR-28804[F] dated
29/06/2022)

W.P. (MD)Nos.3398 & 3399 of 2020

and

W.M.P. (MD)Nos.2858 & 2859 of 2020

28.06.2022

svn(CO)

TR(05.07.2022) 2P 4C

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