



W.P.No.17214 of 2020 etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.12.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.17214, 17218, 17230 and 17414 of 2020 and
W.M.P.Nos.21601, 21595, 21602, 22222, 21267, 21269, 21275,
21296, 21593 of 2020; 12301, 12309, 12298, 12304 of 2023

B.Venkatesh

.. Petitioner
in all WPs

Vs

- 1 The State of Tamilnadu
Represented by Secretary of Government
Industrial Department, Fort St. George
Chennai – 600 009.
- 2 The Director
Department of Geology and Mining
Industrial Estate, Guindy
Chennai - 600 032.
- 3 The District Collector
Salem District, Salem.
- 4 The Assistant Geologist/
Deputy Director (I/c)
O/o of the Deputy Director of Geology and Mining
Collectorate, Salem - 636 001.



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5 The State Level Environment Impact Assessment

Authority - Tamil Nadu
3rd Floor, Panagal Maligai
No.1 Jeenis Road
Saidapet, Chennai - 600 015.

.. Respondents
in all WPs

PRAYER in W.P.No.17214 of 2020: Petition under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the impugned Memorandum of the fourth respondent issued in Roc.No.45/2019/CG-23/Mines - A dated 22.11.2019 and quash the same as issued in contravention of the principles of natural justice and further direct the fourth respondent to approve the mining scheme submitted by the petitioner in respect of 3.74.5 hectares in S.F. Nos. 100/2A (Part) and 100/2B Part in Devannagoundanur Village, Sankari Taluk, Salem District.

PRAYER in W.P.No.17218 of 2020: Petition under Article 226 of the Constitution of India seeking issuance of a writ of certiorari to call for the impugned Memorandum of the third respondent issued in Roc.No.45/2019/CG-25/Mines - A dated 30.6.2020 relating to the petitioner's granite quarry in respect of 3.74.5 hectares in S.F. Nos. 100/2A (Part) and 100/2B Part in Devannagoundanur Village, Sankari Taluk, Salem District and quash the same as issued contrary to the principles of natural justice.

PRAYER in W.P.No.17230 of 2020: Petition under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the impugned Memorandum of the fourth respondent issued in Roc.No.45/2019/CG-22/Mines - A dated 22.11.2019 and quash the same as issued in contravention of the principles of natural justice and further direct respondents 2 to 4 to issue the transport permits to the petitioner to remove and transport the granite blocks quarried from the granite quarrying bearing in SF.No.1/1(P), 1/2B admeasuring 2.31.5 hectares in Thangayur Village, Edapaddy Taluk, Salem District on payment of the applicable seigniorage fees.



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PRAYER in W.P.No.17414 of 2020: Petition under Article 226 of the Constitution of India seeking issuance of a writ of certiorari to call for the impugned Memorandum of the third respondent issued in Roc.No.45/2019/CG-24/Mines - A dated 30.6.2020 relating to the petitioner's granite quarry in respect of 3.74.5 hectares in SF.No.1/1(P), 1/2B admeasuring 2.31.5 hectares in Thangayur Village, Edapaddy Taluk, Salem District and quash the same as issued contrary to the principles of natural justice.

For the Petitioner in all : Mr.R.L.Ramani
WPs. Senior Counsel
for Mr.B.Raveendran

For Respondents in all : Mr.P.S.Raman,
WPs. Senior Counsel
for Mrs.R.Anitha
Special Government Pleader
for respondents 1 to 4
: Mr.V.Chandrasekar
Senior Panel Counsel
for 5th respondent

COMMON ORDER

(Order of the Court is made by the Hon'ble Chief Justice)

In some of these writ petitions, the State accepts that environmental clearances are obtained, whereas in some of the matters, it is stated by the State that the environmental clearances are not obtained, however the demand is required to be revised.



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2. As, according to the respondents, the demands may be required to be revised and/or the grant of environmental clearance, wherever it is granted will have to be considered, the impugned demands are, as such, set aside with liberty to the respondent authorities to issue show cause notices to these petitioners in respect of the revised demand, if any. After receipt of the show cause notices, the petitioners can file their reply along with all relevant documents raising all possible grounds and defences available, which certainly would be considered by the respondent authorities before raising final demand.

3. With the aforesaid observations and directions, the writ petitions are disposed of. There will be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.V.G., C.J.)

(D.B.C., J.)

21.12.2023

Index : Yes/No
Neutral Citation : Yes/No
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To:

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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

(sasi)

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