



WEB COPY

W.P.No.2516 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.2516 of 2024

and

W.M.P.Nos.2755, 2756 & 2757 of 2024

1.C.Nagaraj

2.S.Manian

.. Petitioners

VS

1.The District Collector,
Erode District.

2.The Assistant Director of Mines,
Erode District.

3.The Tahsildhar,
Gboichettipalayam.

4.The Secretary to Government of India,
Ministry of Environment, Forest & Climate Change,
Indira Paryavaran Bhawan Jorbagh Road
New Delhi – 110 003.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for the records in Na.Ka.No.563/Kanimam/2019-16 dated 02.08.2019 on the file of the first respondent and consequential impugned orders passed by the first respondent in Na.Ka.621/Kanimam/2023 dated 26.11.2023 and quash the same as illegal.



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For Petitioner : Mr.Eswar
For Respondents : Mr.E.Vijay Anand
Additional Government Pleader

ORDER

Both learned counsel would accede to the position that the ratio of the order of the First Bench passed in W.A.No.671 of 2020 etc batch dated 15.02.2024 will apply on all fours to the present case as well. Thus, the directions at paragraph 28 of order dated 15.02.2024 are extracted below:-

"28. In the result, we pass the following orders:

(i) The impugned order passed by the learned Single Judge at the Principal Seat is quashed and set aside;

(ii) The impugned orders/memos imposing 100% penalty/cost upon the appellants/petitioners shall be construed as show-cause notices;

(iii) The appellants/petitioners shall file reply to the said show-cause notices, along with all the relevant documents on which they rely, within a period of four weeks from today; and

(iv) The authority shall consider the reply filed by the appellants/petitioners individually and pass fresh orders with regard to imposing of penalty/cost or otherwise."



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2. In light of the above, the same order is taken to be passed in the present writ petition as well.

3. Writ petition stands disposed in terms of this order. No costs. Connected miscellaneous petitions are closed.

08.03.2024

Index:Yes/No
Neutral Citation:Yes
ssm

To

- 1.The District Collector,
Erode District.
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DR. ANITA SUMANTH,J.

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