



W.A.No.628 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.A.No.628 of 2022 and

CMP No.4434 of 2022

M/s Enterprising Enterprises,
rep. by its Managing Partner
Mr.K.Badrinarayanan, B-254, 50th Street,
Ashok Nagar, Chennai 600 083.

... Appellant

Vs.

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

... Respondents



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act to set aside the order dated 23.12.2021 passed by this Court in W.P.No.5606 of 2020 etc., batch and allow the writ appeal.

For Appellant : Mr. K.Ramakrishna Reddy

For Respondents : Mr. Staliln Abimanyu, Addl.Govt.Pleader
for respondents 1 and 2

Mr.K.Srinivasamurthy Senior Panel Counsel
for third respondent

JUDGMENT

(Order of the Court was delivered by D.KRISHNAKUMAR, J.)

This intra court appeal has been filed as against the order passed by the learned Single Judge, dated 23.12.2021 in W.P.No.5606 of 2020 etc., batch.

2. The appellant is the writ petitioner and they were granted quarry lease for colour granite to an extent of 4.05.0 hect. in S.F.No.401(P), Chandarapalli Village, Bargur Taluk, Krishnagiri District. The lease period of 10 years was granted from the date of execution of lease deed, dated 15.05.1995, vide G.O.3D, No.86, Ind. Dept dated 24.04.1995 and they



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carried out the quarrying operation. In such circumstances, the second respondent, issued a demand notice, dated 19.02.2020, to the appellant to remit a sum of Rs.12,19,14,727/- towards the cost of mineral quarried and removed from the lease granted area. Challenging the above demand notice, the appellant has filed the writ petition and the same was dismissed along with batch of writ petitions. Against which, this writ appeal has been filed.

3. The learned counsel appearing for the appellant submitted before this court that, connected writ appeals along with connected writ petitions in W.A.Nos.671, 673 of 2020 etc. batch were came before the Hon'ble First Bench of this Court and same were disposed of with some directions, by common order dated 15.02.2024. He further submitted that the above decision squarely apply to the facts of the present case and hence, on the same line, orders may be passed. He has also placed the copy of the above said order before this Court.

4. The learned Additional Government Pleader as well as the Senior Panel Counsel appearing for the respondents also conceded that the decision



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of the Hon'ble First Court in the above said matter will apply to the present case.

5. Inview of the submission made by the learned counsel appearing on either side and also in the light of the order passed by the Hon'ble First Bench of this Court in W.A.No.671 of 2020 and etc. batch dated 15.02.2024, we inclined to allow the instant writ appeal.

6. Accordingly, 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 demand notice imposing 100% penalty/cost upon the appellant shall be construed as show- cause notice.

iii) The appellant shall file reply to the said show-cause notice along with all the relevant documents, on which they rely, within a period of two weeks from the date of receipt of a copy of this order.

iv) The authority shall consider the reply filed by the appellant individually and pass fresh orders with regard to imposing of penalty/ cost or



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otherwise, within a period of twelve weeks from the date of receipt of the
reply, after providing opportunity to the parties concerned.

7. With the above direction, this writ petition is allowed. No cost.

Consequently, connected miscellaneous petitions is closed.

(D.K.K.J.) (K.B.J.)

04.07.2024

Internet: Yes/No
Index : Yes/No
mst

To

1. The Secretary to Government,
State of Tamil Nadu, Indus. Dept, Fort St. George,
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2. The District Collector,
Krishnagiri District, Krishnagiri.
3. The State Level Environmental - Impact
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