



WEB COPY

W.P.No.6512 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.No.6512 of 2024

and

W.M.P.No.7244 of 2024

M/s. Kattima Granites
rep. by its Authorised Signatory
Mr.Rajkumar
No.18, Sulaiman Zackaria Avenue,
Casa Major Road,
Egmore,
Chennai-8.

... Petitioner

vs.

1. The District Collector,
Villupuram District.

2. Deputy Director,
O/o Deputy Director,
Geology & Mining,
Villupuram District.

..Respondents.

Prayer in W.P. : Writ Petition filed under Article 226 of the constitution to issue a Writ of Certiorarified Mandamus to call for the records on the file of the first respondent made in Na.Ka.No.A/Pu&Su/297/2019-30 dated 6.7.2020 and quash the same and consequently direct the respondents not to interfere with the petitioners quarry operation and to issue necessary permit for transportation of Black Granite in an extent of 1.76.5 ha of land in S.F.No.169/7A, 169/8 and 170/1 of Karasanur Village, Vanur Taluk, Villupuram District.



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For Petitioner : Mrs.Selvi George

For Respondents : Mr.E.Veda Bhagat Singh

ORDER

Mr.E.Veda Bhagat Singh, learned Special Government Pleader takes notice on behalf of the respondents. By consent of both the parties, the writ petition is disposed of at the admission stage itself.

2. This Writ Petition has been filed challenging the proceedings of the 1st respondent dated 06.07.2020 raising demand of Rs.1,75,82,406/- from the petitioner and directing the petitioner to remit the said amount in the Government account and consequently direct the respondents not to interfere with the petitioners' quarry operation and to issue necessary permit for transportation of Black Granite in an extent of 1.76.5 ha of land in S.F.No.169/7A, 169/8 and 170/1 of Karasanur Village, Vanur Taluk, Villupuram District.

3. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

4. The learned counsel for the petitioner would state that similar issue has been dealt with by the Division Bench of this Court in W.A.Nos.671 of 2020 etc. batch. and as the demand notice was issued without giving an opportunity, the Division Bench of this Court had ordered that the same shall be construed as show cause notice.



5. The relevant paragraph Nos.28 to 30 of the judgment dated 15.02.2024 passed in W.A.Nos.671 of 2020 etc. batch reads as follows:

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.

29. As we have remitted the matters back to the concerned authorities on the ground that the principles of natural justice were not adhered to, we have not considered the other contentions raised by the



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respective learned Senior Advocates/ learned advocates appearing for the appellants/petitioners and the respondents. They are kept open.

30. In the light of the above, these writ appeals and writ petitions stand partly allowed. there shall be no order as to costs..

6. Learned Special Government Pleader appearing for the respondents would state that in view of the judgment passed by the Division Bench of this Court in the above Writ Appeals, the 1st respondent/District Collector, vide proceedings dated 08.03.2024, issued notice to the petitioner to submit his explanation. He also produced a copy of the said proceedings before this Court.

7. In light of the order passed by the Division Bench of this Court and considering the submissions made by the learned counsel on either side, this Writ Petition is disposed of in the same terms as in the judgment dated 15.02.2024 passed in W.A.Nos.671 of 2020 etc. batch passed by the Hon'ble Division Bench of this Court. No costs. Consequently, connected miscellaneous petition is closed.

15.03.2024

Index :yes/No
Speaking /Non speaking order
vsi



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Villupuram District.
2. Deputy Director,
O/o Deputy Director,
Geology & Mining,
Villupuram District.



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J.NISHA BANU, J.

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