



WEB COPY

W.P.No.19915 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.19915 of 2002
and
W.M.P.No.19218 of 2022

E.C.Senniappan (Deceased)

1.S.Suseela

2.Kavitha

3.Vidhya

4.Suganya

5.Karthikeyan

.. Petitioners

VS

1.State of Tamil Nadu

Rep. By its Secretary to Government,
Industries 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,

3rd Floor, Panagal Malaigai,
No.3, Jennis Road, Saidapet,
Chennai – 600 015.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari to call for the records, relating to the 2nd respondent's impugned notice bearing Rc.No.1042/2018/B-1/Mines, dated 19.02.2020 and consequential demand notice bearing Na.Ka.No.14294/2022/Q2, dated 16.05.2022, in respect of



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the petitioner's Patta lands black granite quarry totally measuring 2.59.0 hecs, comprised in S.F.Nos. 49 & 50/3B, situated in KODIYALAM Village, Denkanikottai Taluk, Krishnagiri District, quash the same and render justice.

For Petitioner : Mr.K.Ramakrishna Reddy

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

ORDER

W.M.P.No.19215 of 2022 is ordered on payment of separate court fee, if not already paid.

2. 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 is 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



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(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."

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

4. Writ petition stands disposed in terms of this order. No costs. Connected miscellaneous petition is closed.

08.03.2024

Index:Yes/No

Neutral Citation:Yes/No

ssm

To

- 1.The Secretary to Government,
Industries 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,
3rd Floor, Panagal Malaigai,
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DR. ANITA SUMANTH,J.

ssm

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