



W.P.Nos.30618, 24328 & 24335 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

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THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.Nos.30618, 24328 & 24335 of 2022

and

WMP.Nos.23328, 23329, 23331, 23333 & 30057 of 2022

P.K.Shankar

...Petitioner in all W.Ps.

Vs.

1. The State of Tamil Nadu,
Represented by the Principal Secretary to Government,
Industries (MME-2) Department,
Government of Tamil Nadu,
Secretariat, Chennai – 600 009.
2. The Director,
Department of Geology and Mining,
Government of Tamil Nadu,
Guindy, Chennai – 600 003.
3. The District Collector,
Krishnagiri District, Krishnagiri.
4. The Commissioner of Geology and Mining,
Guindy, Chennai – 600 032.
5. The Deputy Director,
Department of Geology and Mining,
Krishnagiri District, Krishnagiri.

...Respondents in all W.Ps.



W.P.Nos.30618, 24328 & 24335 of 2022

Prayer in W.P.No.30618 of 2022: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pertaining to the impugned show cause notice issued by the 3rd respondent in Roc.No.148/2012/Mines-2 dated 20.10.2022 and quash the same.

Prayer in W.P.No.24328 of 2022: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to permit the petitioner to resume mining pursuant to lease deed dated 27.12.2007 and further direct the 5th respondent to issue transport permits to transport the black granite blocks quarried in the petitioner's quarry premises at Survey No.172/1A(Part) at Attakurikki Village, Hosur Taluk, Krishnagiri District in accordance with law.

Prayer in W.P.No.24335 of 2022: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the 1st respondent pertaining to the impugned G.O.(3D)No.21 Industries (MME-2) Department dated 10.11.2020 and quash the same.

In all W.P's.:

For Petitioner : Mr.Richardson Wilson
for M/s.P.Wilson Associates

For Respondents : Mr.P.S.Raman, AG,
Assisted by Mr.Stalin Abhimanyu, AGP



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COMMON ORDER

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2. It is the case of the petitioner that pursuant to the auction, the petitioner, being successful, was given the quarry lease by issuance of Government Order based on which lease deed was executed in favour of the petitioner on 4.2.2008. While that being so, pursuant to the proceedings of the 3rd respondent, a committee was formed for inspection of the quarry premises and pursuant to the joint inspection report given by the Committee, order dated 21.5.2012 was passed cancelling the quarry lease of the petitioner and penalty was also imposed, against which W.P.No.14086 of 2012 was filed by the petitioner in which initially an order of stay was passed on 13.11.2012 and based on the said order, a committee was constituted by the 3rd respondent, leading to the filing of the report dated 5.2.2013 and on the basis of the said report, the writ petition came to be dismissed on 1.2.2018, pursuant to which the 2nd respondent passed the order on 5.3.2019 and thereafter, in the second appeal, the 1st respondent



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passed the order imposing penalty. Aggrieved by the above, the present writ petitions have come to be filed challenging the consequential orders and show cause notice and imposition of penalty.

3. Though very many grounds have been raised, at the time of hearing, learned counsel for the petitioner submitted that, it would suffice if this Court permits the petitioner to pay the entire levy amount of Rs.1,78,48,045/- pursuant the show cause notice dated 20.10.2022 and permit the petitioner to continue mining and also to canvass all the plea before the 1st respondent with regard to the original penalty proceedings dated 10.11.2020.

4. Learned Advocate General appearing on behalf of the respondents submitted that the prayer sought for by the petitioner with regard to permitting him to resume the mining will be subject to the conclusion of the proceeding initiated by the 3rd respondent dated 20.10.2022.

5. Heard learned counsel on either side and perused the material documents placed on record.



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6. In view of the limited relief sought for by the learned counsel for the petitioner, this Court without going into the merits of the case, is inclined to dispose of these Writ petitions with the following directions :-

(i) The petitioner is directed to deposit the entire demand amount made in the impugned order dated 10.11.2020 within a period of four weeks from the date of receipt of a copy of this order ;

(ii) Upon receipt of the entire amount from the petitioner, the 3rd respondent is directed to conclude the proceedings initiated, vide show cause notice dated 20.10.2022, after conducting enquiry by affording opportunity to the petitioner and aggrieved persons, within a period of twelve weeks thereafter; and

(iii) On conclusion of the adjudication proceedings, which stood initiated on the basis of the show cause notice dated 20.10.2022, the 3rd



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*respondent shall communicate the said order
/decision to the 1st respondent, enabling him to pass
appropriate orders with regard to the resumption of
mining operation by the petitioner.*

7. With the above observations and directions, these Writ petitions stand disposed of. Consequently, connected Miscellaneous petitions are closed. No costs.

22.10.2024

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NCC	: Yes/ No
Speaking Order	: Yes/ No
Index	: Yes/ No



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M.DHANDAPANI, J.

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