



W.P.No.35455 and 35459 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 29.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.35455 and 35459 of 2024 and
WMP Nos.38347, 38348, 38353 and 38356 of 2024

M/s Karunai Granites Private Limited.,
rep. by its Director K.Karunakaran,
3/55, Karunai Nagar,
Jagadevipalayam Village and Post,
Krishnagiri Taluk and District 635 023.

... Petitioner
in both writ petitions

Vs.

1. The District Collector,
Krishnagiri District, Krishnagiri.
2. The Deputy Director of Geology & Mining,
Krishnagiri District, Krishnagiri.
3. The Tahsildar/Authorized Officer,
Bargur Taluk, Krishnagiri District.
4. The Sub Registrar, Bargoor,
Krishnagiri District.

... Respondents in
both writ petitions



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Prayer in W.P.No.35455 of 2024: Writ petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned Demand Notice of the first respondent dated 17.07.2020, vide R.C.No.1042/2018/C-52/Mines and consequential proceeding of the third respondent issued to the fourth respondent dated 16.02.2024 in Na.Ka.No.3498/2023/A4 for injunction against alienation of the petitioner's properties and quash and same and further issue direction to the fourth respondent to remove the entries in the online encumbrance pursuant to the proceedings of the third respondent in respect of the petitioner's granite quarry comprised in S.F.No.294/4, 295/2A, 295/2B, 295/2C and 298/2, 298/1C2. 301/1(P), 301/2 and 301/3A at Jagadevipalayam Village of Krihnagiri Taluk & District within a time stipulated by this court.

Prayer in W.P.No.35459 of 2024: Writ petition filed under Article 226 of Constitution of India seeking for issuance of Writ of Certiorarified Mandamus, calling for the records of the impugned Demand Notice of the first respondent dated 17.07.2020, vide R.C.No.1042/2018/C-51/Mines and consequential proceeding of the third respondent issued to the fourth respondent dated 16.02.2024 in Na.Ka.No.3498/2023/A4



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for injunction against alienation of the petitioner's properties and quash and same and further issue direction to the fourth respondent to remove the entries in the online encumbrance pursuant to the proceedings of the third respondent in respect of the petitioner's granite quarry comprised in 299/2 Part and 301/1 Part at Jagadevipalayam Village of Krihnagiri Taluk & District within a time stipulated by this court.

For Petitioner : Mr.Santhanaraman

For Respondents : Mr.G.Ameedias, Government Advocate
for respondents 1 to 3.

Mr.P.Harish, Government Advocate,
for fourth respondent

COMMON ORDER

The writ petitions in W.P.Nos.35455 and 35459 of 2024 are filed challenging the impugned demand notices dated 17.07.2020 issued by the first respondent, directing the petitioner to pay a sum of Rs.8,29,98,005 and Rs.12,69,65,028/- respectively towards the cost of mineral removed from the lease area granted to the petitioners in survey Nos. 299/2 Part, 301/1 Part, 294/4, 295/2A, 295/2B, 295/2C and 298/2, 298/1C2, 301/1(P), 301/2 and 301/3A at Jagadevipalayam



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Village of Krihnagiri Taluk & District and also consequential proceeding dated 16.02.2024 issued by the third respondent addressed to the fourth respondent.

2. The impugned demand notices were issued by the first respondent mainly on the ground that the petitioner quarried minerals, without getting Environmental Clearance certificate.

3. In similar matters, the First Bench of this Court came to the conclusion that, before passing the order, directing the similarly placed writ petitioners to pay the amount, reasonable opportunities shall be given to them to explain their case. The relevant observation made by the First Bench of this Court reads as follows.

26. In the present case, the penalty/cost has been imposed upon the appellants/petitioners. The consequence of the administrative action is prejudicial to the appellants/petitioners. When the penalty/ cost is imposed, non-adherence to the principles of natural justice would be against the tenants of civil jurisprudence.

27. In view of the aforesaid, we are of the view that the appellants/ petitioners ought to have been given an opportunity before the decision was taken to impose 100% penalty/cost upon



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the appellants/petitioners. An opportunity may be given in a limited way, that is, by giving them an opportunity to reply to the show-cause notices, where they can put forth all the relevant facts and their defences, which certainly would have to be considered by the authorities before passing the order.

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 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. Consequently, CMP Nos.9352 of 2020 are closed.



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4. The above said order passed by the First Bench of this Court is squarely applicable to the present case also. Therefore, the impugned orders passed by the first respondent are set aside and the petitioner is directed to treat the impugned orders as show cause notices and it shall file reply along with the relevant documents, within a period of four weeks from the date of receipt of a copy of this order. The first respondent shall consider the reply submitted by the petitioner and pass final order in accordance with law, within a period of six weeks from the date of receipt of reply.

5. It is to be noted that subsequent to the impugned orders passed by the first respondent dated 17.07.2020, the third respondent has addressed a letter to the fourth respondent, asking not to entertain registration of any document in respect of the properties mentioned in the annexure, without no objection certificate from the revenue department. In view of the quashing of the impugned orders passed by the first respondent dated 17.07.2020, the consequential orders passed by the third respondent dated 16.02.2024 are also quashed.



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6. With the above directions, both the writ petitions are disposed of. There shall be no order as to costs. Connected miscellaneous petitions are closed.

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Index: Yes/No
Internet: Yes/No
mst

To

1. The District Collector,
Krishnagiri District, Krishnagiri.
2. The Deputy Director of Geology & Mining,
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S.SOUNTHAR, J.

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