



W.P.Nos.38248 and 38250 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.Nos.38248 and 38250 of 2024

and

W.M.P.Nos.41381, 41383, 41387 and 41389 of 2024

V.Manivel ... Petitioner (in W.P.No.38248/2024)

D.Mohanrasu ... Petitioner (in W.P.No.38250/2024)

vs.

1.Government of Tamil Nadu,
Industries (MMC.1) Department,
Represented by Additional Chief Secretary,
Fort St George,
Chennai – 600 009.

2.The Director,
Department of Geology and Mining,
Thiru.Vi.Ka.Industrial Estate,
Guindy,
Chennai – 600 032.

3.The District Collector,
Tiruppur District,
Tiruppur.

... Respondents (in both WPs)

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for



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the entire records of the 3rd Respondent in Na.Ka.No.533/Minerals/2019 dated 13.08.2020 and quash the same as arbitrary, illegal and unreasonable, and further direct the 3rd Respondent herein to afford an opportunity of hearing to the Petitioners by issuing a show-cause notice in accordance with the order dated 17.10.2023 made in W.A.No.91/2021 etc., batch and 15.02.2024 made in W.A.No.671/2020.

For Petitioners : Mr.V.P.Sengottuvel
Senior Advocate
for M/s.P.S.Prabu (in both WPs)

For Respondents : Mr.G.Ameedius
Government Advocate (in both WPs)

COMMON ORDER

By consent of both the learned counsel appearing for the petitioners as well as respondents, these writ petitions are disposed of at the admission stage itself.

2. These Writ Petitions are filed challenging the order passed by the 3rd Respondent in Na.Ka.No.533/Minerals/2019, dated 13.08.2020 directing the petitioners to pay the sum of Rs.1,88,02,400/- and Rs.47,82,300/-



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respectively, as penalty for failure of the petitioners to get Environmental Clearance Certificate for quarrying.

3. Mr.G.Ameedius, learned Government Advocate takes notice for the respondents.

4. The learned Senior Counsel appearing for the petitioners submits that the impugned order was challenged by the petitioners mainly on the ground that it was passed without giving any opportunity to the petitioners. In support of his contention, the learned Senior Counsel relied on the decisions of the First Bench of this Court in W.A.No.671 of 2020 etc., batch, dated 15.02.2024 and W.A.No.91 of 2021 etc., batch, dated 17.10.2023.

5. A perusal of the above said decisions passed by the First Bench of this Court, would make it clear that the present writ petitions are covered by the said decisions. By impugned order, the 3rd respondent directed the petitioners to pay penalty for their failure to get Environmental Clearance Certificate for quarrying. The order which has got serious civil



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consequences has been passed without hearing the petitioners. Therefore, as per the decisions of the First Bench of this Court, the 3rd respondent is directed to treat the impugned order as show cause notice to the petitioners and petitioners shall submit their objections before the 3rd respondent, within a period of two weeks from the date of receipt of copy of this order.

6. The 3rd respondent shall consider the objections of the petitioners and pass final orders on its own merits and in accordance with law, after giving sufficient opportunity to the petitioners within a period of eight weeks from the date of submission of the objections by the petitioners.

7. With the above directions, these Writ Petitions are disposed of. No costs. Consequently, the connected writ miscellaneous petitions are closed.

20.12.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



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To

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Government of Tamil Nadu,
Industries (MMC.1) Department,
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S.SOUNTHAR, J.

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