



W.P(MD)No.7330 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 25.03.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.7330 of 2024

and

W.M.P.(MD)Nos.6743 and 6744 of 2024

Thirumoorthy

... Petitioner

Vs.

1.The District Collector,  
Madurai District,  
Madurai.

2.The Chairman,  
District Level Environment Impact Assessment Authority,  
Madurai District.

3.The Assistant Director,  
Geology and Mining,  
Madurai District.

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned order of the 1st respondent in Na.Ka.No.1580-18/2018-Mines dated 07.11.2023 and quash the same as illegal.

For Petitioner : Mr.M.Jegadeesh Pandian

For Respondents : Mr.M.Lingadurai,  
Spl. Government Pleader



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## **ORDER**

When the matter was taken up for hearing, the learned Special Government Pleader drew my attention to the order dated 15.02.2024 passed by the Hon'ble First Bench in W.A.Nos.671 of 2020 etc batch. The said order reads as follows:-

*“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 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.*



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*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 light of the above, these writ appeals and writ petitions stand partly allowed.”*

2.The impugned order shall be treated as a show cause notice and the present writ petition is disposed on the same lines. No costs. Consequently, connected miscellaneous petitions are closed.

**25.03.2024**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
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To:-

1.The District Collector,  
Madurai District,  
Madurai.

2.The Chairman,  
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**G.R.SWAMINATHAN, J.**

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