



W.P(MD)No.10636 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.03.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.10636 of 2021

and

W.M.P(MD)No.8292 of 2021

M/s.Chettinad Morimura Semiconductor
Material Private Limited,
Rep.its Company Secretary,
V.G.Vimhalesh,
Registered Office at No.37,
Old Mahabalipuram Road,
Kazhipattur Village, Thiruporur Taluk,
Chengalpattu District 603 103.

: Petitioner

Vs.

- 1.The State of Tamil Nadu
Rep.by Secretary to Government,
Industries Department,
Fort st.George,
Chennai 600 009.
- 2.The District Collector,
Karur.
- 3.The State Level Environmental-
Impact Assessment Authority (SEIAA)
Rep.by its Chairman,
3rd Floor, Panagal Maligai,
No.1, Jeenis Road, Saidapet,
Chennai 600 015.

: Respondents



W.P(MD)No.10636 of 2021

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of certiorari, to call for the records of the second respondent relating to the demand notice Na.Ka.No.438/Minerals/2019, dated 02.08.2019 pertaining to the petitioner's patta lands measuring an extent of 3.54.5 Hectares in S.F.Nos.1216/1A, 1222/A2, 1222/B2 and 1223/2B situated at Nagampalli Village, Aravakurichi Taluk, Karur District and quash the same.

For Petitioner : Mr.S.Vasudevan
For Respondents : Mr.P.Thambidurai,
Government Advocate for R1 and R2
: Mr.N.Dilip Kumar, for R3.

ORDER

The Writ Petition has been filed seeking a Writ of certiorari, to call for the records of the second respondent relating to the demand notice Na.Ka.No.438/Minerals/2019, dated 02.08.2019 pertaining to the petitioner's patta lands measuring an extent of 3.54.5 Hectares in S.F.Nos.1216/1A, 1222/A2, 1222/B2 and 1223/2B situated at Nagampalli Village, Aravakurichi Taluk, Karur District and quash the same.



W.P(MD)No.10636 of 2021

WEB COPY

2. The learned counsel for the petitioner would submit that while application has been pending in the Ministry of Environment and Forest, the second respondent without considering the same and without passing any order therein, has issued a demand notice on 02.08.2019 claiming Rs.1,21,830/- for the period from 15.01.2016 to 11.02.2016 ; that the demand notice was issued without giving notice and without hearing the petitioner; that the demand notice is in reality an order requiring the petitioner to pay the amount mentioned therein and that therefore, the petitioner was constrained to approach this Court, challenging the impugned order dated 02.08.2019.

3. When the matter is taken up for hearing today, the learned counsel for the petitioner would submit that the present case is squarely covered by the judgment of the first Bench of this Court headed by the Hon'ble Chief Justice in Writ Appeal No.671 of 2020 and batch of appeals and Writ Petition.No.31399 of 2018 and batch of petitions and also produced a copy of the common judgment, dated 15.02.2024, wherein the Hon'ble Division Bench has observed that the learned learned Single Judge at Madurai Bench of Madras High Court had



W.P(MD)No.10636 of 2021

decided to allow the writ petitions on the ground that the principles of natural justice were not followed and the learned Single Judge at Principal Seat had taken a different view, had referred the matters and whereas another learned single Judge at Principal Seat had decided that since the petitioner therein continued with the mining operations from 15.01.2016 to 10.01.2017 without obtaining Environmental Clearance, the authority was justified in imposing penalty and/or recovering the 100% cost of the mineral lifted during the said period, have taken the above matters and passed the common judgment and the result portion is extracted hereunder :

“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



W.P(MD)No.10636 of 2021

(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.”

4. The learned counsel for the petitioner as well as the learned Government Advocate appearing for the official respondents would submit that the present case is squarely covered by the above judgment.

5. In view of the above, the impugned notice, dated 02.08.2019 is set aside and the impugned notice or order shall be taken as a show cause notice and the petitioner shall file reply to the said show cause notice along with all relevant documents within a period of four weeks from the date of receipt of copy of this order and on receipt of such reply, the authorities shall consider the reply filed by the petitioner and pass fresh orders with regard to impose of penalty/cost or otherwise.

6. This Writ Petition is allowed accordingly. Consequently, connected Miscellaneous Petition is closed. No costs.

01.03.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
das



WEB COPY



W.P(MD)No.10636 of 2021

To

- 1.The State of Tamil Nadu
Rep.by Secretary to Government,
Industries Department,
Fort st.George,
Chennai 600 009.
- 2.The District Collector,
Karur.
- 3.The State Level Environmental-
Impact Assessment Authority (SEIAA)
Rep.by its Chairman,
3rd Floor, Panagal Maligai,
No.1, Jeenis Road, Saidapet,
Chennai 600 015.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



W.P(MD)No.10636 of 2021

K.MURALI SHANKAR, J

das

Order made in
W.P(MD)No.10636 of 2021
and
W.M.P(MD)No.8292 of 2021

Dated : 01.03.2024