



WEB COPY



W.P.No.4845 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2025

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.4845 of 2024
and
WMP.Nos.5283 & 5284 of 2024

D.Banu

... Petitioner

1.Government of Tamil Nadu,
Industries (MMC.1) Department,
rep. 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,
Kancheepuram District,
Kancheepuram.

4.The Revenue Inspector/Authorized Officer,
Vallam,
Sriperambudur Taluk,
Kancheepuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,



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praying for issuance of a Writ of Certiorari, calling for the entire records of the fourth respondent which culminated in the demand notice in Form-I dated 19.01.2024 issued under Section 7 of the Revenue Recovery Act and quash the same as arbitrary, illegal and unreasonable.

For Petitioner : Mr.V.P.Sengottuvel, Sr. Counsel
for Mr.K.R.Nishanth

For Respondents : Mr.Stalin Abhimanyu, AGP

O R D E R

The order of the fourth respondent which culminated in the demand notice in Form-I dated 19.01.2024 issued under Section 7 of the Revenue Recovery Act, is put under challenge in the present Writ Petition.

2. Heard both sides.

3. The brief facts of the case is as follows:

3.1. The petitioner applied for quarry operation in Survey No.149/2A & 150 measuring to a total extent of 2.51.5 hectares situated at Panruti Village, Sriperumbudur Taluk, Kancheepuram District for a period of five years vide its application dated 10.01.2011 Pursuant to which, the third respondent vide proceedings dated 07.03.2012 granted quarry lease license for a period of five years and accordingly, the petitioner entered a lease



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agreement with the third respondent on 07.03.2012 for a period five years from 07.03.2012 till 06.03.2017. Thereafter, the petitioner commenced the quarry operations in the subject land and transported the same with valid transport permits. While that being so, the first respondent by amending the Rule 41 and 42 of the Tamil nadu Minor Mineral Concession Rules, 1959 passed the order in G.O.Ms.No.79, Industries (MMC I) dated 06.04.2015, which came to be published in the Government Gazette on 22.04.2015. As per the same, the petitioner has to submit the Environmental Clearance Certificate [for brevity, hereinafter referred to as “ECC”], within 630 days from 22.04.2015. In order to obtain ECC under Rule 42(iii), the petitioner made an online application on 15.06.2016 before the State Environments Impact Assessment Authority [SEIAA] by making payment of Rs.20,000/- towards application by way of a demand draft and submitted a hard copy of the application with SEIAA on 27.06.2016. In the meanwhile, the petitioner on expiry of lease period, had applied for renewal of the lease period of the said quarry for five years and the same was granted by the third respondent vide proceedings dated 20.09.2017 and entered into a lease agreement from 11.01.2018 to 10.01.2023. The SEIAA has not passed any order over the petitioner’s ECC application, however, issued the same only on 01.12.2017. While that being so, the third respondent has passed the impugned order of demand, demanding a sum of Rs.1,04,95,980/- on 14.08.2019, as if the



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petitioner has not obtained the ECC for running the quarry from 15.01.2016 to 10.01.2017. Challenging the same, the petitioner has filed W.P.No.28906 of 2019, which was dismissed on 12.06.2020. Aggrieved by the same, the petitioner preferred an appeal in W.A.No.1345 of 2021 and when the same was pending for orders, the fourth respondent had passed the impugned demand dated 19.01.2024.

4. Aggrieved over the same, the present Writ Petition has been filed.

5. The learned Senior counsel for the petitioner submitted that the petitioner had obtained the quarry lease licence from the third respondent for a period of five years from 07.03.2012 to 06.03.2017 and without ECC, the third respondent themselves had extended the lease period for quarry for another five years on 20.09.2017 i.e., from 11.01.2018 to 10.01.2023. He further contended that in the meanwhile, the petitioner has applied for ECC as per the aforesaid amended Rule and the same was granted on 01.12.2017, however in the year 2019, the third respondent made the impugned demand dated 14.08.2019. He further submitted that aggrieved by the same, the petitioner filed a writ petition in W.P.26906 of 2019 and the same was dismissed, however, he preferred an appeal in W.A.No.1345 of 2021 and when the same was pending for orders, the impugned order was passed by



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the fourth respondent on 19.01.2024. Hence, the learned Senior counsel prayed this Court to set aside the impugned demand and allow the writ petition.

6. Per contra, the learned Additional Government Pleader appearing for the respondents submitted that as per Rule 42(iii) of the Tamil Nadu Minor Mineral Concession Rules, 1959, the lease holder should submit the ECC within 180 days from the date of commencement of the Rules. He contended that the total period of 630 days as per Rule 42(iii) for submission of ECC for the existing quarry leases for minor minerals including granite ended on 10.01.2017. He further submitted that the petitioner without ECC had quarried and removed quantity of 33,660 Cbm of rough stone during the violative period from 15.01.2016 to 10.01.2017, the impugned demand has been made and hence the same warrants no interference.

7. I have considered the rival submissions made by the respective counsels and also perused the materials available on record.

8. The facts of the case has not been disputed by the respondents. Admittedly, the petitioner had obtained quarry license for a period of five years by executing a lease agreement dated 07.03.2012 i.e, from 07.03.2012



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to 06.03.2017. It is equally undisputed that the State Government has amended the Tamil Nadu Minor Mineral Concession Rules, 1959, by incorporating Rule 41 & 42 and passed the G.O.Ms.79 dated 06.04.2015 and the same was published in Government Gazette on 22.04.2015. As per Rule 42(iii), the licence lease holder must obtain ECC within 630 days from 22.04.2015 for production of ECC. It is also accepted that the petitioner had made an application before SEIAA through online on 15.02.2016 and also submitted the hard copy of the application on 27.06.2016. In the meanwhile, the lease came to be expired on 06.03.2017 and thereafter, the petitioner made an application for extension of lease and without ECC, the third respondent had extended the lease for a further period of five years on 20.09.2017. In the meantime, the Environment Clearance Certificate was issued to the petitioner on 01.12.2017. While that being so, the third respondent has passed the impugned demand on 14.08.2019 for a sum of Rs.1,04,95,980/- on the ground that the petitioner has operated the quarry without the environment clearance certificate from 15.01.2016 to 10.01.2017. It is relevant to refer that the amendment came into force only on 22.04.2015 and as per Rule 42(iii), the ECC has to be obtained within 630 days from 22.04.2015. The petitioner has rightly made the application on 15.06.2016 and the same was only issued on 01.12.2017. The third respondent without ascertaining the factual aspects, had passed the impugned



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demand which is unsustainable in law. Furthermore, the petitioner has filed a writ petition in W.P.28906 of 2019 and since the same was dismissed on 12.06.2020, he preferred an appeal in W.A.No.1345 of 2021 and when the same was pending for orders, the fourth respondent had passed the impugned order, which is unsustainable in the eye of law. Hence, the order impugned in this Writ Petition dated 19.01.2024 is liable to be set aside and accordingly, the same is set aside.

9. In view of the foregoing reasons, the Writ Petition stands allowed. Consequently, connected Miscellaneous Petitions are closed. There shall be no orders as to costs.

Sd/-

10.11.2025

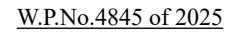
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Sub Assistant Registrar

DP

To

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



4.The Revenue Inspector/Authorized Officer,
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