



W.P.No.4850 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.4850 of 2024
and
WMP.Nos.5290 & 5291 of 2024

S.Surendran

... Petitioner

Vs.

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,
Chengalpet District,
Chengalpet.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the entire records of the third respondent in Na.Ka.No.234/Q1/2021-31 dated 13.10.2021 and the consequential proceedings of the third respondent in Na.Ka.No.362/Mineral/2023 dated 18.11.2023 and quash the same.



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

For Respondents : Mr.Stalin Abhimanyu, AGP

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ORDER

The order of the third respondent in Na.Ka.No.234/Q1/2021-31 dated 13.10.2021 and the consequential proceedings of the third respondent in Na.Ka.No.362/Mineral/2023 dated 18.11.2023, are put under challenge in the present Writ Petition.

2. Heard both sides.

3. The learned Senior counsel for the petitioner submitted that the petitioner obtained quarry licence for his patta land in Survey No.489 measuring to an extent of 0.35.0 hectares and he made quarry application on 03.06.2013 for different survey numbers to a total extent of 1.68.0 hectares situated at Pakkam Village, Madurantakam Taluk, Kancheepuram District for a period of five years and further, the petitioner had also obtained Environment Clearance Certificate [ECC] on 25.02.2014 for a period of five years to quarry 65,346 cu.mts of rough stone and 14,972 Cu.mts of gravel. He further contended that the third respondent on 13.10.2021 issued a demand notice, demanding a sum of Rs.3,13,26,308/- as penalty alleging that

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the petitioner had quarried 91,436 Cu.mts of rough stone in excess of quantity mentioned in the ECC for the period between 01.04.2015 and 31.03.2018, however, the same was passed after lapse of 2 ½ years of the expiry of the license. He also submitted that the demand notice dated 13.10.2021 passed, based on the order of the Hon'ble Supreme Court in W.P.No.114 of 2014, is not applicable to the present case on hand. Moreover, the learned Senior counsel submitted that the third respondent without considering all these aspects, had passed the order on 18.11.2023 to forfeit the security deposit of Rs.5000/- and to recover the balance amount of Rs.3,13,26,308/- under the Revenue Recovery Act.

4. In furtherance, the learned Senior Counsel submitted that if the petitioner operated the quarry in excess in violation of the lease agreement, the respondent has to issue a show cause notice to the petitioner indicating the same, however, without issuing the notice or conducting any enquiry, the impugned order was passed by the respondent on the sole ground of excess operation of quarry which is unsustainable. Hence, he prayed this Court to set aside the orders dated 13.10.2021 and 18.11.2023.

5. Per contra, the learned Additional Government Pleader appearing for the respondents submitted that as per Rule 42(iii) of the Tamil Nadu



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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 has quarried and transported over and above the quantity mentioned in the Mining Plan and Environmental Clearance i.e., 91,436 Cbm, hence, the demand was made on 13.10.2021 as per the order of the Hon'ble Supreme Court in W.P. (c) No.114 of 2014 which is followed by the consequential order dated 18.11.2023 and hence, the same warrants no interference.

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

7. Admittedly, the petitioner has obtained quarry license for a period of five years and also obtained Environment Clearance Certificate on 25.02.2014 before the amendment. The allegations as against the petitioner is that he has operated the quarry in excess of the mentioned quantity to the tune of 91,436 Cubic meters unauthorizedly and thereby, the demand was made by the respondents.



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8. On perusal of the impugned demand, it is crystal clear that no show cause notice was issued to the petitioner prior to passing of the impugned orders and also that no enquiry was conducted. Therefore, the impugned orders of the third respondent dated 13.10.2021 and 18.11.2023 are hereby set aside and the matter is remanded back to the third respondent for a fresh consideration. The third respondent shall issue a show cause notice to the petitioner and conduct an enquiry and pass appropriate orders in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of 12 weeks from the date of receipt of a copy of this order.

9. With the above directions, the Writ Petition stands disposed of. Consequently, connected Miscellaneous Petitions are closed. There shall be no orders as to costs.

Sd/-

10.11.2025

//True Copy//

Sub Assistant Registrar

DP

To

1. The Additional Chief Secretary,
Government of Tamil Nadu,
Industries (MMC.1) Department,
Fort St. George,

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