



WEB COPY



W.P.No.4857 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.4857 of 2024
and
WMP.Nos.5298 & 5299 of 2024

R.Thilakavathi Ramachandran

... 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.

4.The Tahsildar,
Pallavaram,
Chennai.

5.The Tahsildar,
Alandur Taluk,
Chennai.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the entire records of the third respondent in Na.Ka.No.223/Minerals/2023-21 dated 21.07.2023 and the consequential proceedings of the fifth respondent in Na.Ka.No.A1/1088/2023 dated 14.08.2023, the fourth respondent in Na.Ka.No.4213/2023/A1 dated 10.12.2023 and the order of forfeiture of Security Deposit made by the third respondent in Na.Ka.No.338/Mines/2023-1 dated 03.11.2023 and quash the same as arbitrary, illegal and unreasonable and further direct the third respondent to return the Security Deposit together with accrued interest of a sum of Rs.1,10,55,627/- forfeited by the third respondent to the petitioner herein.

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

For Respondents : Mr.Stalin Abhimanyu, AGP

ORDER

The order of the third respondent in Na.Ka.No.223/Minerals/2023-21 dated 21.07.2023 and the consequential proceedings of the fifth respondent in Na.Ka.No.A1/1088/2023 dated 14.08.2023, the fourth respondent in Na.Ka.No.4213/2023/A1 dated 10.12.2023 and the order of forfeiture of Security Deposit made by the third respondent in Na.Ka.No.338/Mines/2023-1 dated 03.11.2023, are put under challenge in the present Writ Petition. Further, the petitioner has sought for a direction to



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the third respondent to return the Security Deposit together with accrued interest of a sum of Rs.1,10,55,627/- forfeited by the third respondent to him.

2. Heard both sides.

3. The learned Senior counsel for the petitioner would submit that the petitioner's husband obtained quarry license from the third respondent and entered into a lease deed dated 27.02.2006 on the file of the Sub Registrar, Alandur and after her husband's demise, the lease was transferred in favour of the petitioner and while so, the District Collector, Kancheepuram issued a demand notice on 21.10.2019 followed by another notice dated 22.11.2019, demanding penalty of Rs.3,11,79,000/- towards the cost of the mineral quarried by the petitioner for the period between 15.01.2016 and 10.01.2017 as violation period, which were challenged by the petitioner before this Court in W.P.No.448 of 2020, but the same was dismissed, as against which, the petitioner has preferred an appeal and the same was pending. He further contended that pending appeal, the impugned order dated 03.11.2023 was passed and following the said impugned order, the respondents 3, 4 & 5 passed the impugned orders dated 21.07.2023, 14.08.2023 and 10.12.2023, respectively which are unsustainable and hence, the present Writ Petition.

4. In furtherance, the learned Senior counsel for the petitioner



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submitted that even though, if there is no environment clearance certificate, the respondents have to issue show cause notice prior to the issuance of impugned demand, however, no notice has been issued in this case. He also drew the attention of this Court to the decision of the Hon'ble Division Bench of this Court in W.A.No.671 of 2021 & batch etc., dated 15.02.2024, wherein the Court had allowed the appeal as against the order passed by this Court in W.P.No.31399 of 2018 & batch of cases and hence, prayed this Court to pass appropriate orders.

5. Per contra, the learned Additional Government Pleader submitted that since the petitioner did not obtain the ECC, the impugned orders have been passed by the respondents, which warrants no interference and hence, prayed to dismiss the petition.

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

7. Taking into consideration of the fact that the respondents neither issued any show cause notice nor conducted any enquiry, had passed the impugned orders and also applying the ratio laid down by the Hon'ble Division Bench of this Court as stated supra, this Court sets aside the impugned orders and remanded the matter back to the third respondent for a



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fresh consideration and the third respondent shall issue a show cause notice to the petitioner and conduct an enquiry and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above observations and directions, the Writ Petition is 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. Government of Tamil Nadu,
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rep. by Additional Chief Secretary,
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2. The Director,
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M.DHANDAPANI.J,

DP

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