



WEB COPY



W.P.No.6378 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.6378 of 2023

M/s.Sankaran Minerals and Mines,
Rep. by its Proprietor
Mr.A.S.Shankar Ganesan

... Petitioner

Vs.

- 1 The Secretary (MoEFcc),
Ministry of Environment Forest and Climate Changes,
Indira Paryavaran Bhavan, Ali Ganj,
Jorbag Road,
New Delhi – 110 003.
- 2 The Secretary,
Ministry of Mines,
Shastri Bhawan,
Dr.Rajendra Prasad Road,
New Delhi – 110 001.
- 3 The Principal Secretary to Government,
Industrial Department,
Secretariat,
Fort St George,
Chennai – 600 009.
- 4 The Chairman,
State Level Environment Impact Assessment Authority (SEIAA)
3rd Floor, Jeenis Road,
Saidapet,
Chennai – 600 015.



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- 5 The District Collector,
Collectorate,
Tiruppur District.
- 6 The Director,
Department of Geology and Mining,
Thiruvika Industrial Estate,
Guindy,
Chennai – 600 032.
- 7 The Assistant Director,
Department of Geology and Mining,
Collectorate,
Tiruppur District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records on the file of the fifth respondent in Na.Ka.533/Kanimum/2019 dated 10.09.2019 and Na.Ka.533/Kanimum/2019 dated 30.06.2020 and quash the same and consequently direct the respondent to refund Rs.2,41,055/- (Rs.1,78,055/- + Rs.63,000/-) by considering the petitioner's representation dated 22.09.2022 along with interest, and further direct the respondent to refund the same with a compound interest from the date of payment within the reasonable stipulated time frame to be fixed by this Hon'ble Court.

For Petitioner : Ms.Reshmi Christy
For Respondents : Mrs.R.Durgarani for R1 and R2
Central Government Standing Counsel
Mr.K.Srinivasamurthy for R4
Mr.Stalin Abimanyu for R5 to R7
Additional Government Pleader



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ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records on the file of the fifth respondent in Na.Ka.533/Kanimum/2019 dated 10.09.2019 and Na.Ka.533/Kanimum/2019 dated 30.06.2020 and quash the same and consequently direct the respondent to refund Rs.2,41,055/- (Rs.1,78,055/- + Rs.63,000/-) by considering the petitioner's representation dated 22.09.2022 along with interest and further direct the respondent to refund the same with compound interest from the date of payment.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the land to an extent of 3.63.5 hectares in S.F.No.527/B1, Pungandurai Village, Dharapuram Taluk, Tirupur District and the Government of India, Ministry of Mines, Indian Bureau of Mines accorded permission for mining activities and the third respondent executed a lease deed as on 09.06.2009 for a period of 20 years for mining, however, for not obtaining environmental clearance certificate, the respondent imposed 100% penalty to the tune of Rs.1,78,055/- vide impugned order dated



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3.The learned counsel appearing for the petitioner further submitted that pursuant to the impugned order, the petitioner paid the entire demand amount and filed this writ petition on the ground of violation of principles of natural justice, since the impugned order was passed without giving any opportunity to the petitioner. The learned counsel further submitted that though notice is not mandatory unless environmental clearance is obtained, since no opportunity was provided to the petitioner before passing of the impugned order, this Court may set aside the impugned order and remand the matter back to the fifth respondent and issue direction to the fifth respondent to consider the matter afresh and to pass appropriate orders, after providing opportunity to the petitioner.

4.Considering the limited relief now sought for by the learned counsel appearing for the petitioner, this Court without expressing any opinion on the merits of the case, set aside the order of the fifth respondent in Na.Ka.533/Kanimum/2019 dated 10.09.2019 and in Na.Ka.533/Kanimum/2019 dated 30.06.2020 and remand the matter back to the fifth respondent to consider the matter afresh. The fifth



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respondent is directed to consider the matter afresh, provide opportunity to the petitioner and pass appropriate orders, as expeditiously as possible.

7.The writ petition is disposed of. No costs.

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

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