



W.P.No.7398 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.7398 of 2025
and W.M.P.Nos.8263 and 8267 of 2025

K.Selvam

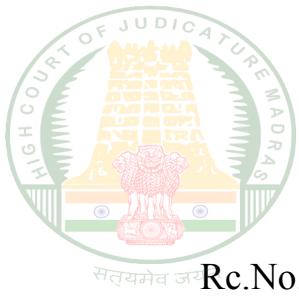
.. Petitioner

Versus

1. The District Collector,
Krishnagiri District,
Krishnagiri.
2. The Deputy Director of Geology & Mining,
Krishnagiri District,
Krishnagiri.
3. The Tahsildar/Authorized Officer,
Denkanikottai Taluk,
Krishnagiri District.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorari by calling for the records of the 1st respondent date 19.02.2020 herein culminating in demand notice vice



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Rc.No.1042/2018/C-27-Mines, on the file of the 1st respondent and the consequent recovery notice issued by the 3rd respondent herein vide proceedings in Na.Ka.No.3243/2022 (B2), dated 29.01.2024, on the file of the 3rd respondent and to quash the same.

For Petitioner : Mr.M.Santhanaraman

For Respondents : Mr.Stalin Abhimanyu,
Additional Government Pleader

ORDER

This Writ Petition is filed challenging the order, dated 19.02.2020, whereby, a sum of Rs.3,11,06,793/- is demanded from the petitioner towards the cost of mineral quarried and removed from the lease granted area of an extent of over 3.61.0 hectares in S.F.No.1763/1 etc., of Santhanapalli village, Denkanikottai taluk, Krishnagiri district within a period of 15 days.

2. The Writ Petition is filed on the ground that the said impugned order is passed without any show-cause notice to the petitioner and without

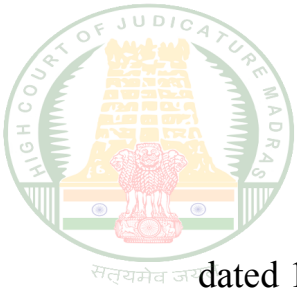


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affording any opportunity.
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3. When the matter is taken up for hearing, *Mr.Stalin Abhimanyu*, learned Additional Government Pleader for the respondents would submit that in these cases where the parties have resorted to mining without obtaining environmental clearance, by the order of the Division Bench, it was stated that the show-cause notice is essential and therefore, the demand notice, which was originally issued, was directed to be treated as show-cause notice and the concerned persons were directed to give explanation and fresh orders were directed to be passed. In view of the same, the authorities have already issued another notice, dated 10.03.2024 treating this impugned order as a show-cause notice and requesting the petitioner to submit his explanation. The petitioner does not seem to have submitted his explanation and the final order is yet to be passed.

4. The learned Counsel for the petitioner would submit that the notice,



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dated 10.03.2024 was never served on the petitioner. The learned Additional Government Pleader would submit that those notices were dispatched by ordinary post and there is no other proof in respect of the same.

5. In view thereof, this Writ Petition is disposed of on the following terms:-

(i) A copy of the notice, dated 10.03.2024 is now handed over to the learned Counsel for the petitioner;

(ii) The petitioner is granted two weeks time from today to submit his objections and all the documents and appear for enquiry before the first respondent namely, the District Collector, Krishnagiri;

(iii) The District Collector shall further proceed with the enquiry and pass final orders in the manner known to law after duly considering the explanation submitted by the petitioner;

(iv) The above exercise shall be completed within a period of 12 weeks from the date of receipt/production of a web-copy of this order



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without waiting for a certified copy of this order;

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(v) There shall be no order as to costs. Consequently, connected miscellaneous petition are closed.

04.03.2025

Neutral Citation : no
grs

To

1. The District Collector,
Krishnagiri District,
Krishnagiri.
2. The Deputy Director of Geology & Mining,
Krishnagiri District,
Krishnagiri.
3. The Tahsildar/Authorized Officer,
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