



WEB COPY



W.P. No.17350 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2025

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.17350 of 2020
and W.M.P Nos.21485 & 21486 of 2020

B. Venkatesh

... Petitioner

VS.

1. The State of Tamil Nadu,
Represented by Secretary to Government,
Industries Department, Fort St.George,
Chennai – 600 009.

2. The Director,
Department of Geology and Mining,
Guindy Industrial Estate,
Guindy, Chennai – 600 032.

3. The District Collector,
Salem District, Salem.

4. The Assistant Geologist/ Deputy Director (I/c)
O/o. of the Deputy Director of
Geology and Mining, Collectorate, Salem – 636 001.

5. The State Level Environment Impact Assessment,
Authority – Tamil Nadu,
3rd Floor, Panagal Maligai,
No.1, Jeenis Road, Saidapet,
Chennai – 600 015.

... Respondents



W.P. No.17350 of 2020

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorari, to call for the impugned Memorandum of the third respondent issued in Roc.No.45/2019/BG-28/Mines -A, dated 30.06.2020 relating to the petitioner granite quarry in SF.No.1/2B (P)&1/3B (Part) admeasuring 3.12.0 Hectares in Thangayur Village, Edapaddy Taluk, Salem District and quash the same as issued in contravention of the principles of natural justice.

For Petitioner : Mr.V.Sanjeevi

For Respondents : Mr.Stalin Abimanyu
Additional Government Pleader
for R1 to R4

Mr.Venkataswamy Babu
Senior Panel Counsel for R5

ORDER

This writ petition has been filed challenging the impugned memorandum fo the third respondent dated 30.06.2020.

2. The case of the petitioner is that he was granted quarry lease for quarrying Multi Colour Granite in S.F No.1/2B (P) & 1/3B (Part) measuring an of 3.12.0 Hectares in Thangayur Village, Edapaddy Taluk, Salem District for a period commencing from 03.03.2016 to 02.03.2036. However, it is alleged that the petitioner had transported the quantity exceed the EC quantity and



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therefore, the 3rd respondent imposed a 100% cost penalty to the tune of Rs.40,23,769/- as if the petitioner transported exceed EC quantity of 287.125 CBM. Challenging the same, the present writ petition has been filed.

3. However, the learned counsel for the petitioner would submit that the present writ petition is filed solely on the ground that, without issuing any show-cause to the petitioner, the impugned order was passed. Hence, the impugned order is in clear violation of principles of natural justice.

4. The learned Additional Government Pleader appearing for the respondents 1 to 4 fairly conceded that before passing the impugned order, no show-cause notice was issued and no enquiry was conducted. Hence, for the limited purpose, this Court may set aside the impugned order and remit the matter back to the 3rd respondent for fresh consideration, by fixing a limit time within which an appropriate order shall be passed, after affording an opportunity of hearing to the petitioner.

5. Heard the learned counsel on either side and perused the records.

6. This Court has also perused the impugned order. On a perusal of the impugned order dated 30.06.2020, it is evident that no show-cause notice was



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issued and no proof has been produced to establish that any enquiry was conducted before passing the impugned order.

7. In view of the fair submission made by the Additional Government Pleader, and without expressing any opinion on the merits of the case, this Court is inclined to set aside the impugned order dated 30.06.2020 passed by the 3rd respondent on the ground of violation of principles of natural justice. The matter is remanded back to the 3rd respondent, and he is directed to furnish the necessary particulars to the petitioner and conclude the entire proceedings within a period of four (4) months from the date of receipt of a copy of this order.

8. With the above directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

04.11.2025

Index:Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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M. DHANDAPANI, J.

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