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W.P No.32510 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2025

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P No.32510 of 2025

and

W.M.P No.36438 of 2025

S.Thangarasu

..... Petitioner

Vs

1.State of Tamil Nadu

Represented by Secretary to Government

Industries Department

Fort St. George

Chennai-600 009.

2.The Commissioner of Geology & Mining

Thiru.Vi.Ka Industrial Estate

Guindy, Chennai-600 032.

3.The District Collector

Namakkal District

Namakkal.

4.The State Level Environmental - Impact

Assessment Authority (SEIAA)

Rep. by its Chairman

3r Floor, Panagal Malaigai

No.I, Jeenis Road, Saidapet

Chennai-600 015.

..... Respondents

PRAYER: This writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records of the impugned demand notice passed by the 3rd respondent vide Na.Ka. No.483-8/Kanimam/2025,



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dated 25.07.2025, pending the statutory appeal before the 2nd respondent, pertaining to the lease granted in favour of the petitioner, to quarry rough stone in S.F.No.6 (Part 2) over an extent of 1.00.0 Hec in Government land situated in Anaikattipalayam Village, Rasipuram Taluk, Namakkal District and quash the same as illegal.

For Petitioner : Mr.G.Vignesh
For R1 to R3 : Mr.Stalin Abimanyu
Additional Government Pleader
For R4 : Mr.K.Srinivasamurthy

ORDER

This Writ Petition has been filed, challenging the demand notice issued by the 3rd Respondent dated 25.07.2025 pertaining to the lease granted in favour of quarry rough stone in the subject property.

2. When the matter is taken up for hearing, learned counsel appearing for the petitioner would submit that the petitioner was granted rough stone/quarrying lease in respect of the Government Land measuring an extent of 1.00.0 Hectares, comprised in S.F.No.6 (Part 1), situated in Anaikattipalayam Village, Rasipuram Taluk, Namakkal District, vide proceedings dated 03.04.2008 and the lease agreement dated 16.04.2008 was executed in favour of the petitioner and after the execution of the lease agreement the petitioner commenced the quarry operations upon payment of necessary seigniorage fee.

The petitioner, on 29.10.2015 had applied for Environmental Clearance



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Certificate and the same was granted on 08.08.2016 which was prior to the expiry of lease on 10.01.2017. In spite of the petitioner obtaining the environment clearance certificate before the expiry of lease, without properly appreciating the same, the 3rd respondent had issued the present demand notice demanding 19,71,900/- towards the alleged quarry operations which represents 100% penalty. It is the submission of the learned counsel that similar issue where environmental clearance certificate obtained prior to 10.01.2017 was considered by this Court in W.P. No.15471 of 2020, wherein this Court held that where persons, who have been granted quarry licence and who have obtained environmental clearance prior to 10.01.2017, they shall not be visited with any penalty. In the present case, the petitioner having obtained environmental clearance certificate prior to 10.01.2017, the said decision would be squarely applicable to the case of the petitioner.

3. Learned Additional Government Pleader appearing for the respondents fairly concede to the said submissions and submits that the petitioner having obtained the necessary environmental clearance certificate prior to 10.01.2017, no penalty can be levied on the petitioner.

4. Heard the learned counsel appearing on either side and perused the materials available on record.



5. It is the fair submission of the learned counsel on either side that persons, who have been granted quarry lease and who have obtained environmental clearance certificate prior to 10.01.2017, they shall not be levied with any penalty, as has been held by this Court in W.P.No.15471 of 2020. For better appreciation, the relevant portion of the said order is quoted hereunder :-

“7. Be that as it may. The fact remains that the petitioner was in possession of EC on 1.07.2016. It should not be lost sight of that the decision in Deepak Kumar's case was rendered by the Hon'ble Supreme Court in the year 2012, but only after much delay, proceedings were issued by the MoEF on 3.4.2017 fixing the date as 15.01.2026 on and from which quarries without EC were ordered not to function and levy of penalty was ordered to be made. It is borne out by record that the petitioner had applied for EC only 2.2.16 and obtained on 11.7.2016. As per Rule 42(iii). The petitioner had applied for EC and also obtained the same withing period of 630 days. Though it is to be remembered that on and from the decision rendered by the Hon'ble Supreme Court in Deepak Kumar's case, persons, who were carrying on quarrying operations, were to obtain EC irrespective of the extent of land under quarry. However, subsequent to the decision in Deepak Kumar's case, sub-rule (iii) to Rule 42 was inserted and it had underwent amendment more than four times, finally resting at 630 days. The petitioner, to show his bonafides, had filed the application for EC on 2.2.16, which much before the decision of the Hon'ble Supreme Court in Common Cause-vs-Union of India (W.P.(Civil) No.114/2014-Dated-02.08.2017. True it is that immediately on the decision of the Hon'ble Supreme Court in Deepak Kumar's case, the petitioner ought to have taken steps to obtain EC, however, it is to be borne in mind that Rule 42(iii) had granted the requisite time for the petitioner to file application for EC. It is not as if the petitioner merely filed the application for EC without taking any steps to obtain the same. The petitioner, in all



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earnestness, had submitted application within the period prescribed and had even obtained the EC within the period of 630 days provided us 42(iii). From the above, it is evident that the petitioner taken bona fide steps to obtain the EC as mandated by the Hon'ble Supreme Court in Deepak Kumar and Common Cause case and had obtained the EC within the period prescribed u/s 42 (iii). In such a backdrop, the bona fide act of the petitioner definitely deserves to be considered while arriving at a subjective satisfaction and in the said scenario, the respondents ought to have not enforced the memorandum of MoEF on the petitioner by levying penalty, as the respondents have not holistically considered the whole issue, while issuing the impugned penalty proceedings.

6. The aforesaid decision is squarely applicable to the case on hand, as the petitioner herein had obtained environmental clearance certificate prior to 10.01.2017 and, therefore would be entitled to the benefit of the said decision.

7. In such circumstances, the present writ petition is allowed and the impugned order passed by the 3rd respondent is hereby set aside. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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M.DHANDAPANI, J.

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To

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Thiru.Vi.Ka Industrial Estate
Guindy, Chennai-600 032.
- 3.The District Collector
Namakkal District
Namakkal.
- 4.The Chairman,
The State Level Environmental -
Impact Assessment Authority (SEIAA),
3rd Floor, Panagal Malaigai,
No.1, Jeenis Road, Saidapet,
Chennai-600 015.

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