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WP No. 44064 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-11-2025

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

**WP No. 44064 of 2025
and W.M.P.No.49170 of 2025**

1. R.Manoharan

Petitioner

Vs

1. Ministry of Environment, Forest and Climate
Change (MoEF),
Through The Secretary,
Indira Paryavaran Bhawan,
Jor Bagh Road,
New Delhi-110 003.

2.State of Tamil Nadu
Rep. By Secretary To Government,
Industries Department,
Fort St.George,
Chennai-600 009.

3.The Commissioner of Geology and Mining,
Thiru.Vi.Ka.Industrial Estate,
Guindy Chennai-600 032.

4.The District Collector,
Tiruppur District,
Tiruppur.

5.The State Level Environmental -
Impact Assessment Authority (SEIAA),
Rep. By Its Chairman,
3rd Floor, Panagal Malaigai,
No.1, Jeenis Road, Saidapet,



Chennai-600 015.

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Respondents

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PRAYER: Petition has been filed under Article 226 of Constitution of India to issue a Writ of Certiorari to call for the records of the impugned Demand Memo/Notice passed by the 4th respondent vide RC.No.533/Mines/2019-38 dated 22.09.2025 pertaining to the lease granted in favour of the petitioner to quarry rough stone in S.F.Nos.733/2 and 734/2 over an extent of 3.25.0 Hec of patta land situated in Senapathipalayam village, Kangeyam Taluk, Tiruppur District quash the same as illegal.

For Petitioner: Mr.G.Vignesh

For Respondents: Mr.K.V.Muthuvisakan, for R1
Mr.Stalin Abimanyu
Additional Government Pleader
For RR2 to R5

ORDER

The petitioner has filed this petition seeking issuance of Writ of Certiorari to call for the records of the impugned Demand Memo/Notice passed by the 4th respondent vide RC.No.533/Mines/2019-38 dated 22.09.2025 pertaining to the lease granted in favour of the petitioner to quarry rough stone in S.F.Nos.733/2 and 734/2 over an extent of 3.25.0 Hec of patta land situated in Senapathipalayam village, Kangeyam Taluk, Tiruppur District quash the same as illegal.

2.The case of the petitioner is that the petitioner was granted a rough stone quarrying lease in respect of patta land measuring an extent of 3.25.0 hectares of patta land situated in Senapathipalayam Village,



Kangeyam Taluk, Tiruppur District, vide proceedings of the fourth respondent for a period of 10 years ie., initially for a period of five years from 13.09.2011 to 12.09.2016 and subsequently, another period of five years from 12.01.2017 to 11.01.2022. Pursuant to the lease agreements dated 13.09.2011 and 12.01.2017, the petitioner commenced the quarry operation and transported the quarried minerals with valid transport permits issued by the fourth respondent upon payment of the necessary seigniorage fee.

3. However, pursuant to the judgment of the Hon'ble Supreme Court of India in the case of **Deepak Kumar & Ors – Vs- St** reported in **(2012) 4 SCC 629** and subsequent introduction of Rule 41 and 42 of Tamil Nadu Minor Minerals Concessions Rules, 1959, in G.O.Ms.79 dated 06.04.2015 which was published in the gazette on 22.04.2015, the petitioner was required to obtain Environmental Clearance (hereinafter referred to as "EC") from the State Environment Impact Assessment Authority (SEIAA) within a period of 630 days from 22.04.2015 and immediately thereafter, the petitioner made an application for EC on 08.11.2016 and the fifth respondent issued EC on 18.11.2016. However, the fourth respondent issued a memorandum dated 22.09.2025 and imposed a penalty for quarrying between 15.01.2016 to 10.01.2017 as if the petitioner has not obtained EC.



4. However, admittedly, the petitioner has made an application for issuance of EC before the fifth respondent on 08.11.2016 which is within the period of 630 days which expired only on 10.01.2017 and within the period the EC was obtained for which the fourth respondent imposed a penalty. Aggrieved by the same, the writ petition is filed.

5. The learned counsel for the petitioner submitted that the fourth respondent without considering the factum of obtaining EC on 18.11.2016, has levied penalty as if the petitioner quarried between 15.01.2016 to 10.01.2017 without EC, which exhibits total non-application of mind on the part of the fourth respondent. Further, the period mentioned in the impugned Memorandum is virtually covered within the time of 630 days as stipulated in Rule 42(iii) for submission of EC, but the fourth respondent without looking into the records, issued a impugned memorandum mechanically and hence, prays for quashment of the same.

6. The learned Additional Government Pleader appearing for the respondents on instructions fairly conceded that the impugned order is bereft of necessary details and there is an error on the face of the record. It is further submitted that the period for which penalty has been levied is between 15.01.2016 to 10.01.2017, but it is fairly conceded by the learned Additional Government Pleader that the petitioner had obtained



the EC on 18.11.2016, which requires to be taken into consideration in proper perspective. Therefore, it is submitted that this Court may set aside the impugned levy of penalty and remit the matter back to the respondents for considering that aspect of the matter with regard to the date of obtainment of EC by the petitioner.

7. This Court has carefully considered the rival submissions and also perused the materials placed before it.

8. The fact remains that the petitioner was in possession of EC on 18.11.2016. It should also 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 03.04.2017 fixing the date as 15.01.2016 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 on 08.11.2016 and obtained on 18.11.2016. As per Rule 42 (iii), the petitioner had applied for EC and also obtained the same within 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 bona fides, had filed the application for EC on

08.11.16, which is much before the decision of the Hon'ble Supreme

Court in **Commo**

-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 earnestness,

had submitted application within the period prescribed and had even

obtained the EC within the period of 630 days provided u/r 42 (iii). From

the above, it is evident that the petitioner has 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/r 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.



9. In view of the fact that the above aspects that have not been properly taken into consideration by the respondents while levying penalty vide the impugned proceedings, this Court is inclined to set aside the impugned order.

10. For the reasons aforesaid, this writ petition is allowed and the impugned order of the fourth respondent bearing RC.No.533/Mines/2019-38, dated 22.09.2025, is set aside. However, if the petitioner operate the quarry over and above the leased land, liberty is granted to the respondents to work out the remedy in the manner known to law. No costs. Consequently connected miscellaneous petition is closed.

21-11-2025

Index:Yes/No

Internet:Yes

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To

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Through The Secretary,
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Jor Bagh Road, New Delhi-110 003.

2.State of Tamilnadu



Rep By Secretary To Government, Industries
Department,
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M.DHANDAPANI J.

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