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W.P.No.1267 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.01.2026

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 1267 of 2026
&
W.M.P.No. 1463 of 2026

Tvl. S.M. Exports,

Rep. by its Proprietor K. Madhaiyan,

No. 2 / A2, III Cross,

Gopalakrishna Colony,

Krishnagiri - 635 001

...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



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

4. The District Collector,
Krishnagiri District,
Krishnagiri

5. The State Level Environmental
Impact Assessment Authority (SEIAA),
Rep by its Member Secretary,
9th Floor, Metro (CMRL Building),
Nandanam,
Chennai - 600 035

...respondents

Prayer: Writ Petition is filed under Section 226 of the Constitution of India for issue of Writ of Certiorari, to call for records of the impugned demand notice passed by the 4th respondent vide Na.Ka.No.188/2020/Kanimam dated 04.11.2025, pertaining to the lease granted in favour of the petitioner, to quarry grey granite from patta lands over an extent of 1.95.5 Hectares in SF.Nos.133/1 and 133/5 (part) situated at Kondappanayanapalli Village, Bargur Taluk,



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Krishnagiri District and quash the same as illegal in the light of the Judgement passed by Divisional Bench of the High Court of Orissa at Cuttack in WP(C).No.1054 of 2021 dated 05.07.2022.

For petitioner : Mr. G.Vignesh

For respondent 1 : Mr. R.Sanjay
Central Government Standing
Counsel

For respondents : Mr. Stalin Abhimanyu
2 to 4 Additional Government Pleader

For respondent 5 : Mr. K.Srinivasa Murthy
Senior Panel Counsel.

ORDER

This writ petition is filed for the following relief:

“To call for the records of the impugned demand notice passed by the 4th respondent vide Na.Ka.No.188/2020/Kanimam dated 04.11.2025, pertaining to the lease granted in favour of the petitioner, to quarry grey granite from patta lands over an extent of 1.95.5 Hectares in SF.Nos.133/1 and 133/5 (part) situated



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at Kondappanayanapalli Village, Bargur Taluk, Krishnagiri District and quash the same as illegal in the light of the Judgement passed by Divisional Bench of the High Court of Orissa at Cuttack in WP(C).No.1054 of 2021 dated 05.07.2022”.

2. The petitioner would submit that they are subsisting quarry lease owner granted with a gray granite quarrying lease in respect of patta land situate at Kondappanayanapalli Village, formerly Krishnagiri Taluk, now Bargur Taluk, Krishnagiri District. The lease was granted by the Government of Tamil Nadu, vide G.O.(3D)No.69, Industries (MME-2) Department dated 20.10.2008 and subsequently, lease agreement was executed on 10.11.2008 for a period of twenty years, valid until 09.11.2028.

3. The petitioner conducted quarrying operations with valid transport permits until 11.01.2017, at which point operations ceased due to cancellation of transport permits by the 3rd and 4th respondents for want of Environmental Clearance, as mandated by MoEF



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Notification S.O.141 (E) dated 15.01.2016.

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4. The petitioner would submit that pursuant to the amendment of Rules 41 and 42 of the Tamil Nadu Minor Mineral Concession Rules, 1959, an extension of 630 days was granted to existing leaseholders to obtain EC. The petitioner duly submitted an application for EC to the 5th respondent on 11.02.2016, well within the stipulated period. Despite the diligent application and subsequent terms of reference obtained on 09.08.2018, the authorities failed to grant EC within the timeline to the administrative authorities.

5. The petitioner would further submit that the 4th respondent had issued the 1st demand notice on 19.02.2020, relying on the judgement of the Hon'ble Supreme Court in ***Common Cause vs. Union of India***. The petitioner challenged the said demand notice in W.P. No. 5985 of 2020, which was dismissed and a writ appeal in W.A. No. 1091 of 2022 was preferred by the petitioner. The Division Bench of this Court in a Common Judgement dated 15.02.2024, directed the authorities to treat the demand as a show cause notice.



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6. After giving an opportunity of personal hearing and written explanation to the petitioner, the 4th respondent rejected the petitioner's contention vide proceedings dated 08.10.2024. Aggrieved by the same, the petitioner preferred a Statutory Appeal bearing No. 10953/MM4/2024 on 13.11.2024 before the 3rd respondent and the same is pending. Pending appeal, the 4th respondent issued the impugned demand notice bearing Na.Ka.No.188/2020/Kanimam dated 04.11.2025, directing the petitioner to remit a penalty of Rs.05,38,49,798/-.

7. Aggrieved thus, the petitioner is before this Court.

8. The learned counsel for the petitioner would submit that the impugned order has been passed by the 4th respondent, when the appeal filed by the petitioner is pending on the file of the 3rd respondent. Therefore, the impugned order has to be quashed.



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9. Mr.Stalin Abhimanyu, learned Additional Government Pleader, would submit that the appeal preferred by the petitioner will be disposed of within a period of 4 weeks from today i.e., 21.01.2026. He would also submit that till such time the respondents will not take any steps against the petitioner.

10. Recording the submissions of the learned Additional Government Pleader, this writ petition is disposed of, directing the 3rd respondent to dispose of the appeal filed by the petitioner by 18.02.2026. It is made clear that till disposal of the appeal, the respondents shall not take coercive steps against the petitioner. Consequently, the connected miscellaneous petition is closed. No costs.

21.01.2026

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2. State of Tamil Nadu,
Rep. by Secretary to Government,
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Fort St. George,
Chennai - 600 009

3. The Commissioner of Geology & Mining,
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Chennai - 600 032



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4. The District Collector,
Krishnagiri District,
Krishnagiri

5. The State Level Environmental
Impact Assessment Authority (SEIAA),
Rep by its Member Secretary,
9th Floor, Metro (CMRL Building),
Nandanam,
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