



WEB COPY

WP No. 1910 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 1910 of 2025

and

WMP No.2191 of 2025

K.R.Mani
S/o. Ramasamy Goundar,
10, Narasimha Naidu Street,
Velur Road, Thiruchengodu,
Namakkal District,
Pin - 637 304.

..Petitioner

Vs

1. The Government of Tamilnadu
Rep. by its Secretary to Government,
Natural Resources Department,
Fort St. George,
Chennai - 600 009.
2. The Director of Geology and Mining
Department of Geology and Mining,
Guindy, Chennai - 600 032.
3. The District Collector,
Erode District,
Erode.
4. The Asst. Director of Geology and Mining
Department of Geology And Mining.
Erode District, Erode.



WEB COPY

WP No. 1910 of 2



..Respondent(s)

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned order of the 3rd respondent passed in proceedings bearing Na.Ka.563/Kanimam/2019-18 dated 14.09.2024 with reference to the granite quarry from the patta land bearing S.F. Nos.1085/1 (Part), 1085/4 (Part), 1085/5 and 1085/6 (Part) in Mallankuzhi Village, (formerly Sathyamangalam Taluk), now Talavadi Taluk, Erode District and to quash the same.

For Petitioner(s): Mr.V.Sanjeevi

For Respondents: Mr.Stalin Abimanyu
Additional Government Pleader

ORDER

This petition has been filed challenging the impugned order of the third respondent dated 14.09.2024 and seeking to quash the same.

2.The learned counsel for the petitioner would submit that, by exercising powers under Rule 19A of the Tamil Nadu Minor Mineral Concession Rules, 1959, the Government of Tamil Nadu, vide G.O. (3D) No.73 Industries (MME-



II) Department dated 03.09.2007, granted a quarry lease in favour of the petitioner for quarrying black granite from the patta lands over an extent of 1.50.0 Hectares in S.F.Nos.1085/1 (Part), 1085/4 (Part), 1085/5 and 1085/6 (Part) in Mallankuzhi Village, (formerly Sathyamangalam Taluk), now Talavadi Taluk, Erode District for a period of 20 years subject to the conditions mentioned therein. Pursuant thereto, a lease agreement was executed on 01.10.2007 for a period of 20 years commencing from 01.07.2007 and ending on 30.09.2027. For existing leases, the Government amended the Tamil Nadu Minor Mineral Concession Rules, 1959, by adding Rule 41 and 42 to the Tamil Nadu Minor Mineral Concession Rules, 1959 vide G.O.Ms.No.79, Industries (MMC-1) Department, dated 06.04.2015, published in the Government Gazette, dated 22.04.2015. Rule 41 deals with submission of approved an Mining Plan and Rule 42 deals with submission of Environment Clearance from the State Level Environment Impact Assessment Authority or from the Minister of Environment and Forest as the case may be.

3.The learned counsel would further submit that though the petitioner obtained the Environmental Clearance on 10.08.2016, the third respondent District Collector, issued a notice dated 18.08.2022 demanding a sum of Rs.96,08,784/- towards the cost of mineral for the volume of 800.732 CBM of granite for the period from 10.01.2016 to 10.08.2016 without Environmental Clearance and a further sum of Rs.1,47,25,740/- towards cost of minerals for



the excess quantity of 1531.145 CBM of granite over and above the quantity mentioned in the EC. Challenging the same, the petitioner filed W.P No.35701 of 2023. When the writ petition was pending, the third respondent issued a notice dated 02.05.2024, requiring the petitioner to submit a reply to the notice dated 18.08.2022 by treating it as a show cause notice, pursuant to the common judgment of this Court dated 15.02.2024 passed in W.A.No.671 of 2020 etc., batch. In response, the petitioner sent a reply dated 07.05.2024 to the third respondent stating that W.P.35701 of 2023 had already been filed challenging the notice dated 18.08.2022, and therefore, the question of filing reply does not arise, when the writ petition is pending.

4.The learned counsel would further submit that without advertting to the reply dated 07.05.2024, the third respondent issued a notice for personal hearing dated 05.08.2024, directing the petitioner to appear before the third respondent on 22.08.2024 and to give explanation to the notice dated 18.08.2022. The petitioner submitted a further reply on 21.08.2024 reiterating the same facts. Without considering both replies, the third respondent District Collector, Erode passed the impugned order dated 14.09.2024, reiterating the earlier demand. Since the petitioner obtained Environment Certificate on 10.08.2016 prior to 630 days i.e before 10.01.2017, the impugned order reflects non-application of



mind and is liable to be set aside. Accordingly, he prayed for appropriate orders.

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5.The learned Additional Government Pleader appearing for the respondents would fairly submit that this Court may set aside the impugned order and remand the matter back to the third respondent / District Collector for fresh consideration.

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

7.Considering the submissions mad by both sides, the impugned order dated 14.09.2024 passed by the third respondent is set aside, and the matter is remanded back to the third respondent for fresh consideration, limited solely to ascertaining whether any excess quarrying was carried out during the lease period. The third respondent shall conduct an enquiry and pass appropriate orders in accordance with law, after affording a reasonable opportunity of hearing to the petitioner, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



WEB COPY

8. With the above directions, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

01-04-2026

Index: Yes/No

(1/4)

Speaking/Non-speaking order

Neutral Citation: Yes/No

Uma



To

1. The Secretary to Government,
Natural Resources Department,
Fort St. George,
Chennai - 600 009.
2. The Director of Geology and Mining
Department of Geology and Mining,
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M.DHANDAPANI, J.

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