



WEB COPY

WP No. 38025 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 38025 of 2024

and

WMP No.41122 of 2024

B.Padmavathi
W/o Late M. Balachandran
1-3A, Parapalayam,
Sarkar Periyapalayam Post
Uthukuli Taluk
Tirupur District

..Petitioner(s)

Vs

1. Government of Tamil Nadu
Industries (MMC.1) Department
Represented by Additional Chief Secretary,
Fort St. George
Chennai 600 009
2. The Director
Department of Geology and Mining
Thiru.Vi.Ka. Industrial Estate,
Guindy, Chennai 600 032
3. The District Collector
Tiruppur District,
Tiruppur

..Respondent(s)



Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the entire records of the 3rd respondent in Rc. No 533 / Mines / 2019-22 dated 22.10.2024 and to quash the same as arbitrary, illegal and unreasonable.

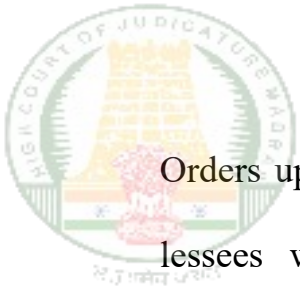
For Petitioner(s): Mr.K.R.Nishanth

For Respondent(s): Mr.Stalin Abimanyu
Additional Government Pleader

ORDER

This petition has been filed challenging the impugned order of the third respondent dated 22.10.2024 and seeking to quash the same.

2.The learned counsel for the petitioner would submit that on 02.03.2012, the 3rd respondent granted a quarry lease in favour of the petitioner's husband for quarrying rough stone / gravel for a period of five years. On 06.04.2015, the first respondent introduced Rule 41 & Rule 42 to the Tamil Nadu Minor Mineral Concession Rules, 1959, relating to the approval of Mining Plan and Environment Clearance. The Rules came into effect on 22.04.2015, and the existing lessees were required to obtain Environmental Clearance within a period of 180 days from the date of commencement of the Rule 42(ii). The initial period of 180 days was extended periodically by subsequent Government



Orders upto 630 days ,and the last of which expired 10.01.2017. The existing lessees were required to submit Environmental Clearance on or before 10.01.2017. Though the petitioner's husband obtained the Environmental Clearance on 19.07.2016, the third respondent District Collector, issued a notice dated 10.09.2019 demanding a sum of Rs.26,85,900/- towards the cost of minerals allegedly quarried by the petitioner's husband from 15.01.2016 to 10.01.2017. Challenging the same, the petitioner's husband filed W.P No.32289 of 2019. Whiles, the petitioner's husband late M.Balachandar died on 17.05.2021. On dismissal of the said writ petition, an appeal was preferred, which came to be allowed by a common order dated 17.10.2023 made in W.A No.91/2021 etc., batch. Pursuant to the said order, the third respondent issued a show cause notice to the petitioner. The petitioner submitted a reply and appeared for a personal hearing, filing written submissions on 02.09.2024. The third respondent passed the impugned order on 22.10.2024, revising the demand raised on 10.09.2019. Since the petitioner's husband obtained Environment Certificate on 19.07.2016 prior to 630 days i.e within the extended period of 630 days and 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.



3.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.

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

5.Considering the submissions mad by both sides, the impugned order dated 22.10.2024 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.



6. 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

(2/4)

Speaking/Non-speaking order

Neutral Citation: Yes/No

Uma

To

1. Additional Chief Secretary,
Industries (MMC .1) Department
Fort St. George Chennai 600 009
2. The Director
Department of Geology and Mining
Thiru, Vi.Ka. Industrial Estate
Guindy, Chennai-600 032
3. The District Collector
Tiruppur Distret, Tiruppur



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M.DHANDAPANI, J.

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