



WEB COPY

WP No. 490 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-02-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

**WP No. 490 of 2026
and W.M.P.No.601 of 2026**

R. Nageshwaran
S/o. Ramaswamy,
No.23 Sastri Nagar,
Varadarajapuram,
Chennai-600 048.

..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,
Kanchipuram District,
Kanchipuram.
4. The State Level Environment
Impact Assessment Authority (SEIAA),
Rep. By its Chairman,
3rd Floor Panagal Maligai,
No.1, Jeenis Road,
Saidapet, Chennai-600 015

..Respondent(s)

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of



India praying to issue a Writ of Certiorari to call for the entire records of the 3rd Respondent in RC.NO.403/Q3/2023 dated 26.09.2025 and impugned Order of the 2nd Respondent in Rc.No.11748/MM12/2024 dated 17.11.2025 and quash the same as arbitrary illegal and unreasonable.

For Petitioner(s): Mr. V.P.Senguttuvel, Senior Counsel
for Mr. K.R. Nishanth

For Respondent(s): Mr.Stalin Abhimanyu, AGP, for RR1 to R3
Mr.K.Srinivasa Murthy, Sr PC For R4

ORDER

This petition has been filed to issue a Writ of Certiorari to call for the entire records of the 3rd Respondent in RC.NO.403/Q3/2023 dated 26.09.2025 and impugned Order of the 2nd Respondent in Rc.No.11748/MM12/2024 dated 17.11.2025 and quash the same.

2. It is the case of the petitioner that he applied for rough stone/gravel quarry lease on 06.01.2012 in respect of patta lands measuring to an extent of 4.47.5 Hec. situated at Mambakkam Village, Sriperumbudur Taluk, Kanchipuram District. After consideration, the 3rd respondent vide its proceedings dated



23.04.2012 granted quarry lease for a period of five years commencing from 23.04.2012 till 22.04.2017.

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3. During the lease period, the first respondent in G.O.Ms.No.79 Industries (MMC-1) dated 06.04.2015 introduced Rule 41 and Rule 42 to the Tamil Nadu Minor Mineral Concession Rules, 1959, relating to the approval of Mining Plan and Environmental Clearance ((hereinafter referred to as “EC”), with effect from 22.04.2015 and therefore, the existing lessees were required to obtain EC within a period of 180 days from the date of commencement of Rule 42 ie., 22.04.2015 which later got extended till 10.01.2017.

4. The petitioner applied for Mining Plan on 03.07.2015 and the same was approved on 01.09.2015 and therefore, Rule 41 of TNMMC rules was complied with. The petitioner applied for EC on 20.10.2025 before the 5th respondent for which, the 4th respondent vide its proceedings datd 25.01.2016 and 28.03.2016 sought for some details and the same was duly furnished on 15.04.2016. However, the petitioner’s application for EC was kept pending for consideration. In



the meantime, the 3rd respondent issued a demand notice on 14.08.2019 demanding a sum of Rs.1,33,72,800/- for the cost of the mineral quarried during the lease period without EC.

5. Challenging the same, the petitioner had filed a writ petition in W.P.No.29557 of 2019 which was dismissed by this Court. Thereafter, the petitioner preferred an appeal in W.A.No.849 of 2020 which was partly allowed by the Hon'ble Division Bench of this Court by a common order dated 15.02.2024, by which, this Court has set aside the demand notice and directed the petitioner to treat the demand notice as a show cause notice and directed to file a reply along with necessary documents within a period of four weeks from the date of the order. Pursuant to the said order, the petitioner submitted an explanation along with the supporting documents, but, the 3rd respondent without properly considering the same, passed an order confirming the order dated 14.08.2019 of demand for penalty.

6. Aggrieved by the said order, the petitioner preferred an appeal before the 2nd respondent on 29.11.2024. It is submitted that



similarly placed lessees, who received demand notice on ground of violation of requirement of EC challenged the demand notice by filing writ petitions before this Court. This Court by a common order dated 05.06.2025 in W.P.No.33079 of 2025 etc., batch disposed of the writ petitions. It is also submitted that when the appeal filed by the petitioner before the 2nd respondent is pending, the 3rd respondent by its impugned order directed the petitioner to remit the cost of mineral of a sum of Rs.1,14,82,800/-. Later, the second respondent pursuant to the orders passed by this Court in W.P.No.33079 of 2025, etc.,batch., without giving an opportunity of hearing to the petitioner and without considering the case of the petitioner, passed the impugned order. Challenging the same, the petitioner is before this Court.

7. Heard the rival submissions and perused the materials available on record.

8. Therefore, without going into the merits of the case, considering the fact that the orders have been passed by the second respondent without issuing notice to the petitioner and hearing him,



the impugned order is set aside and the matter is remitted back to the second respondent for a fresh consideration. The second respondent is directed to issue notice to the petitioner herein, hear them and thereafter, pass the speaking orders. The said exercise shall be completed by the second respondent within a period of four weeks from the date of receipt of a copy of this order.

With the above directions, this writ petition is allowed. Consequently, connected miscellaneous petition stands closed. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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P.T.ASHA, J.

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To

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,
Kanchipuram District,
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4. The State Level Environment
Impact Assessment Authority (SEIAA),
Rep. By its Chairman,
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