

In the High Court of Judicature at Madras

Dated: 20.01.2015

Coram:

The Honourable Mr. SANJAY KISHAN KAUL, Chief Justice
and

The Honourable Mr. Justice M.M. SUNDRESH

Writ Petition No. 5678 of 2007
and M.P. No. 1 of 2007

The Coastal Environment and Ecological
Conservation Committee
rep. by its President R. Appu Natesan
Keeraikarantattu
Tisaiyanvilai - 627 657
Tirunelveli District. ... Petitioner

vs.

1. Government of India
rep. by its Secretary
Ministry of Environment and Forests
Parawaran Bhavan
CGO Complex
Lodhi Road, New Delhi.

2. The Chairman
Tamil Nadu Coastal Zone Management
Authority & Secretary
Department of Environment & Forests
Government of Tamil Nadu
Secretariat, Rajaji Salai
St. George Fort, Chennai - 9.

3. The State of Tamilnadu
rep. by its Secretary
Industries Department
St. George Fort, Chennai - 9.

4. The Chairman
Tamilnadu Pollution Control Board
Mount Road, Chennai - 32.

5. The Director
Department of Environment and Forest
Panagal Buildings, Saidapet, Chennai.
6. The Commissioner and Director of
Geology and Mining
Guindy, Chennai - 32.
7. The Joint Director
Ministry of Environment and Forests
Kendriya Sadan, 4th Floor
E & F Wing, Koramangala
Bangalore 560034.
8. The District Collector
Kanyakumari District.
9. Indian Rare Earths Limited
Manavalakuruchi
Kanyakumari District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the second respondent to forbear 9th respondent from carrying on mining operations/activities at Manavalakuruchi, Kanyakumari District which falls within CRZ Zone for not obtaining clearance under CRZ Notification and to direct the 4th respondent to withdraw the consent if any granted.

For Petitioner : Mrs. Narmadha Sampath

For Respondents : Ms. S. Seethalakshmi, CGSC for R1 & 7
Mr. S.T.S. Murthi
Govt. Pleader for R3, R5, R6 and R8
Mr. M.K. Subramanian
Spl. Govt. Pleader (Forest) for R2 & 5
Mrs. Rita Chandrasekar for R4
Mr. Krishna Srinivasan
for M/s.S.Ramasubramanian &
Associates for R9

O R D E R

(Made by The Hon'ble The Chief Justice)

The petitioner has described itself as the Coastal Environment and Ecological Conservation Committee represented through its President. On a query, we are informed that it is not

an administrative or statutory force, but, it is a private group of individuals and the President is an Ex Member of Legislative Assembly.

2. At the inception, we want to state that the manner of description of the petitioner amounts to misdescription and no details about the petitioner have been given.

3. Even qua the merits of the controversy, the allegation is that the ninth respondent/Indian Rare Earths Limited, a Public Sector Enterprise, is carrying on mining in CRZ notified area without obtaining requisite permission. In this behalf, the order dated 18.11.2010 shows that the first respondent/Government of India had produced a communication dated 09.09.2010, which dealt with the aspect in question, stating that the mining activity of the ninth respondent pre-dated CRZ Notification, 1991 and that mining of rare minerals is permissible in CRZ area under the said Notification. Taking into consideration this fact, the ninth respondent had been advised to apply for necessary clearance at the earliest. Learned counsel for the ninth respondent stated that they were in the process of obtaining clearance and thus, a direction was passed on 18.10.2010 that if such an application is filed by the ninth respondent, the first respondent/Ministry of Environment and Forests (as corrected by the order dated 10.11.2010) would pass an appropriate order in accordance with law.

4. We are informed by the learned counsel for the ninth respondent that the recommendation for mining was made by the Expert Appraisal Committee for Environment Preservation of Mining Projects, but that was challenged before the National Green Tribunal by another party, which succeeded vide order dated 24.02.2014. That order was assailed by the ninth respondent before the Honourable Supreme Court in Civil Appeal Nos. 5824 and 5825 of 2014 and the appeals stand admitted.

5. The aforesaid shows that in the conspectus of the prayer made, the matter has proceeded further and necessary steps have been taken by the ninth respondent for obtaining permission, though the same has got embroiled in litigation.

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6. We are of the view that no further directions are called for in this petition and accordingly stands disposed of. No costs. Consequently, M.P. Nos.1 and 2 of 2007 and 1 to 5 of 2013 are closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

ATR

To;

1. The Secretary
Government of India
Ministry of Environment and Forests
Parawaran Bhavan
CGO Complex
Lodhi Road, New Delhi.
2. The Chairman
Tamil Nadu Coastal Zone Management
Authority & Secretary
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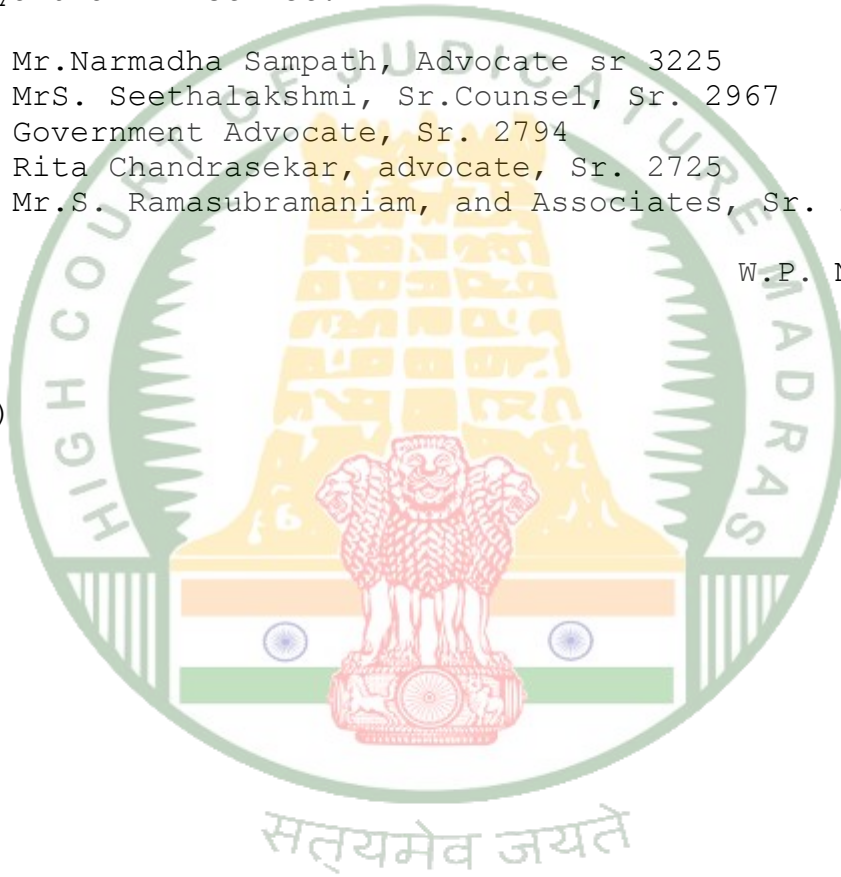
7. The Joint Director
Ministry of Environment and Forests
Kendriya Sadan, 4th Floor
E & F Wing, Koramangala
Bangalore 560034.

8. The District Collector
Kanyakumari District.

1 cc to Mr.Narmadha Sampath, Advocate sr 3225
1 cc to MrS. Seethalakshmi, Sr.Counsel, Sr. 2967
1 cc to Government Advocate, Sr. 2794
1 cc to Rita Chandrasekar, advocate, Sr. 2725
1 cc to Mr.S. Ramasubramaniam, and Associates, Sr. 2751

W.P. No. 5678 of 2007

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