



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.13168 of 2014

& M.P.(MD) No.1 of 2014

& M.P(MD)No.1 of 2015

P.Suresh

... Petitioner

Vs.

- 1.The Union of India,
Rep. By its Secretary to Government,
Ministry of Environment and Forests,
New Delhi-110 011.
- 2.The Government of Tamil Nadu,
Rep. By its Principal Secretary,
Department of Environment and Forests,
Fort St. George, Secretariat,
Chennai-600 009.
- 3.The Member Secretary,
State Level Environment Impact
Assessment Authority,
3rd Floor, Panagal Maaligai,
No.1, Jeenis Road,
Saidapet, Chennai 600 015.
- 4.The District Environment Engineer,
Pollution Control Board,
No.30/2, SIDCO Industrial Estate,
Pettai, Tirunelveli-627 010.
- 5.The District Collector,
Tirunelveli District,
Tirunelveli.
- 6.The Conservator of Forests,
Tirunelveli Circle,
N.G.O.Colony,
(R.T.O. Office Bacsides)
Tirunelveli-627 007.
- 7.The Deputy Director of Geology and Mining,
District Collectorate Campus,
Tirunelveli,



Tirunelveli District.

8.M.Kumaresan

9.G.Dinesh

(Respondents 8 & 9 impleaded as per
Order dated 17.12.2014)

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 2 to 7 to consider the petitioner's representation, dated 24.06.2014 seeking to implement the guideline, dated 19.08.2010 and notification, dated 09.09.2013 issued by the first respondent while permitting mining activity in the ECO sensitive area in Tirunelveli District.

For Petitioner	: Mr.S.S.Sundar
For R1 & R3	: Mr.N.Ravichandran
For R2 & R5 to R7	: Mr.A.K.Baskarapandian
For R4	: Mr.C.Elaman
For R8 & R9	: Mr.V.Sanjeevi

ORDER

(Order of the Court was made by V.M.VELUMANI,J.)

This writ petition has been filed in Public Interest, seeking a writ of mandamus, directing the respondents 2 to 7 to consider the petitioner's representation, dated 24.06.2014 seeking to implement the guideline, dated 19.08.2010 and notification, dated 09.09.2013 issued by the first respondent while permitting mining activity in the ECO sensitive area in Tirunelveli District.

2.The petitioner has stated that Tirunelveli hills are situated in the Southern tip of Western Ghats, with rich vegetation. Kanyakumari District Wild Life Sanctuary is located very near to Karungulam and Palavoor Village of Tirunelveli District. Both the Villages are situated within 5 km from the Wild Life Sanctuary, which are notified area. The fifth respondent, District Collector has granted permission for quarrying operations, contrary to the guidelines and Judgment of Hon'ble Apex Court. No permission for quarry can be granted without approval by environmental clearance. Therefore, he sent a representation, dated 24.06.2014 to the fifth respondent, District Collector and marked copies to other respondents. The respondents did not pass any orders. Hence, the petitioner has come out with the present writ petition for the above stated relief.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The fifth respondent, District Collector has filed counter



affidavit denying various allegations made by the petitioner. The fifth respondent in paragraphs 4 to 10 of the counter affidavit has given details of permission granted for stone quarry in five places in Poramboke land in Karungulam and Palavoor Village, which is mentioned in the representation of the petitioner. Further, permission was granted to two stone quarries in the patta land. According to the fifth respondent, District Collector, those permissions were granted after following the procedure and he has furnished those details in the counter affidavit. The fifth respondent also stated that places where stone quarry is carried on are not within the prohibited distance. In paragraph 24 of the counter affidavit, the fifth respondent has stated that no quarry activities are allowed, without obtaining environmental clearance from State Level Environment Impact Assessment Authority (SEIAA), Chennai and prayed for dismissal of the writ petition.

4. We have heard the arguments of the learned counsel for the petitioner and the respondents and carefully perused the available materials on record and the considered the arguments of the learned counsel for the petitioner and the respondents.

5. The statement made by the fifth respondent, the District Collector that no quarrying operation is permitted without obtaining Environmental clearance from State Level Environment Impact Assessment Authority (SEIAA) and no lease land lies within 10 kms of National Park/Sanctuary are recorded. If the petitioner still has any grievance, it is open to him to approach the concerned Authority for redressal of said grievance.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (AS)

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Sub Assistant Registrar

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To

1. The Union of India,
Rep. By its Secretary to Government,
Ministry of Environment and Forests,
New Delhi-110 011.



2.The Government of Tamil Nadu,
Rep. By its Principal Secretary,
Department of Environment and Forests,
Fort St. George, Secretariat,
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3.The Member Secretary,
State Level Environment Impact
Assessment Authority,
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4.The District Environment Engineer,
Pollution Control Board,
No.30/2, SIDCO Industrial Estate,
Pettai, Tirunelveli-627 010.

5.The District Collector,
Tirunelveli District,
Tirunelveli.

6.The Conservator of Forests,
Tirunelveli Circle,
N.G.O.Colony,
(R.T.O. Office Bacsides)
Tirunelveli-627 007.

7.The Deputy Director of Geology and Mining,
District Collectorate Campus,
Tirunelveli,
Tirunelveli District.

+1 cc to MR.R.J.KARTHIK , ADVOCATE, SR NO: 57927

+1 cc to MR.V.SANJEEV, ADVOCATE, SR NO: 57951

+1 CC to M/S.SPL.GOV.T.PLEADER, SR NO: 58244

JAM /03/11/2015/ARK/4P-11C

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