

THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

WRIT PETITION No.24585 of 2016

ORDER:

Heard Sri V.L.Surendera, learned counsel for petitioner, Sri N. Harinath, learned counsel for respondent Nos.1 and 2, learned Government Pleader for Industries appearing for respondent Nos.3, 6 and 7, and learned Government Pleader for Revenue appearing for 5th respondent.

2. The 2nd petitioner was granted permission to carry out quarrying operations for extraction of colour granite over an extent 15 Hectares from 23-08-2007, which permission is valid up to 22-08-2027. The 1st petitioner has taken over the quarry lease from the 2nd petitioner on 01-08-2015 for the unexpired period of lease up to 22-08-2027. The said transfer was permitted by 7th respondent subject to condition that the 1st petitioner shall change the approved mining plan on their name and furnish consent for establishment and consent for operation from the Pollution Control Board and also environmental clearance from the 1st respondent. Though the 2nd petitioner commenced operation from 2007 till 2013 without obtaining environmental clearance and action was initiated on the violations by proceedings dt.12-12-2012 and 27-06-2013, these were quashed by the National Green Tribunal, Principal Bench by order dt.07-07-2015 in O.A.No.37 of 2015.

3. Subsequently proposal of the petitioners of the grant of environmental clearance was considered by the Environmental Appraisal Committee held during June 24-26, 2015 and it recommended the proposal for grant of environmental clearance.

4. However, since such clearance was not issued to the petitioners, the petitioners approached this Court on the ground that the respondents cannot sit on the issue indefinitely after Environmental Appraisal Committee has approved 2nd petitioner's proposal.

5. Sri N.Harinath, Advocate appearing for respondent Nos.1 and 2 has filed a counter-affidavit, wherein a reference is made to Section 3 of the Environment (Protection) Act, 1986 stating that an Expert Group for preparing an Environmental Supplemental Plan for restoration of the damage caused to the environment and for further improvement of the environment has been constituted under sub-Section (3) of Section 3 of the said Act and the 2nd petitioner has to give consent for implementation of the Environmental Supplemental Plan under the monitoring of the expert group and ensure satisfactory implementation of the said plan and this is one of the specific conditions of the Environmental clearances.

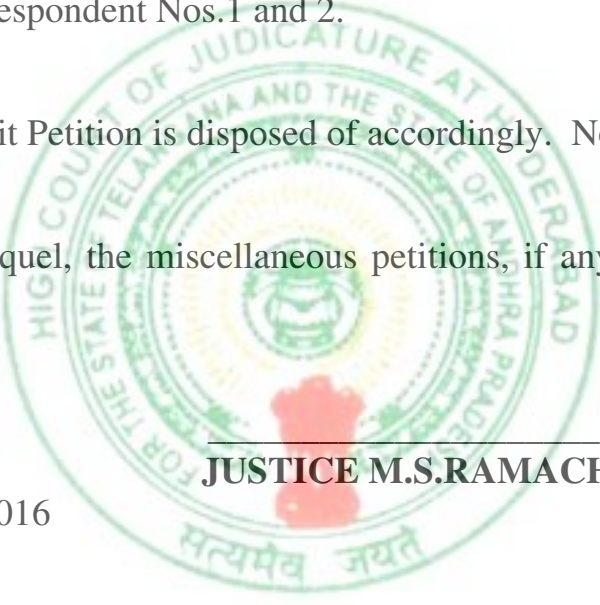
6. Learned counsel for petitioner has readily agreed to this suggestion.

7. Therefore, the 2nd petitioner shall file an undertaking to that effect before respondent Nos.1 and 2 within two (02) weeks from the date of receipt of a copy of this order.

8. Once the 2nd petitioner complies with this requirement, respondent Nos.1 and 2 shall, within four (04) weeks from the date of submission of such undertaking, issue Environmental clearance to the 2nd petitioner to quarry for the balance of the lease period, and the 2nd petitioner shall abide by all the conditions imposed in the said clearance by respondent Nos.1 and 2.

9. The Writ Petition is disposed of accordingly. No costs.

10. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.



JUSTICE M.S.RAMACHANDRA RAO

Date: 29-08-2016
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