

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2017

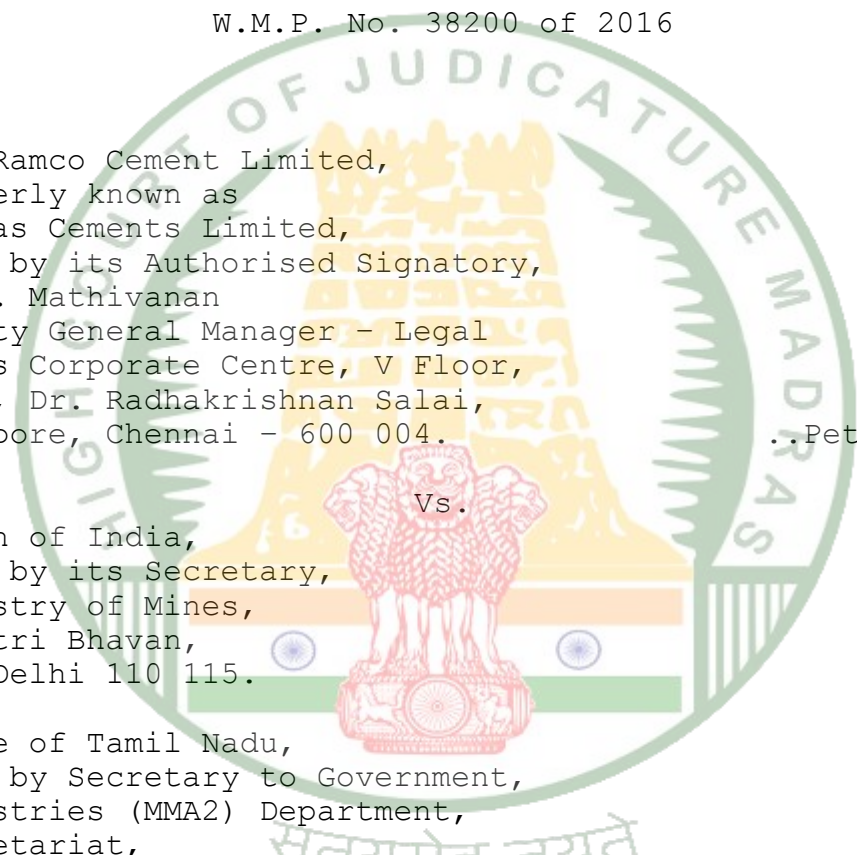
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THE HONOURABLE MR. JUSTICE RAJIV SHAKDHER

W.P. No. 44336 of 2016

&

W.M.P. No. 38200 of 2016

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1. The Ramco Cement Limited,
Formerly known as
Madras Cements Limited,
rep. by its Authorised Signatory,
Mr.T. Mathivanan
Deputy General Manager - Legal
Auras Corporate Centre, V Floor,
98-A, Dr. Radhakrishnan Salai,
Mylapore, Chennai - 600 004. ..Petitioner
- Vs.
1. Union of India,
rep. by its Secretary,
Ministry of Mines,
Shastri Bhavan,
New Delhi 110 115.
2. State of Tamil Nadu,
rep. by Secretary to Government,
Industries (MMA2) Department,
Secretariat,
Fort St. George, Chennai - 9.
3. Commissioner,
Department of Geology and Mining,
Thiru Vi Ka Industrial Estate,
Guindy, Chennai 600 032.
4. The District Collector,
Collectorate,
Thoothukudi. ..Respondents

Prayer: Petition under Article 226 of the Constitution of India
praying for issue of a Writ of Mandamus directing the 2nd

respondent and 3rd respondent to execute the Mining Lease pursuant to the Letter of Intent (LOI) Lr.No. 10045/MMA1/2006-7 dated 29.04.2013, prior to 11.01.2017, upon such terms as this Hon'ble Court may deem fit.

For Petitioner :: Mr.Rahul Balaji

For Respondents:: Mr.C.V. Ramachandramurthy
Senior Panel Counsel for R1
Mr.R. Muthukumarasamy,
Advocate General assisted by
Mr.C. Jagadish,
Special Government Pleader for
R2 to R4

O R D E R

1. Learned Advocate General has placed before me, a notification dated 04.01.2017 issued by the Central Government. This notification permits, according to the learned Advocate General, execution of mining lease, notwithstanding the fact, that Environmental Clearance Certificate has not been obtained by the petitioner.

2. Learned Advocate General says that the only caveat entered is that is no mining activity can be carried out by the petitioner, till such time, it obtains an Environmental Clearance Certificate, under the relevant Statute and the Rules framed thereunder.

3. Learned counsel for respondent No.1 supports the submission advanced by the learned Advocate General.

4. In view of the aforesaid submission of the counsel for the respondents, I have put to them, whether the writ petition can be disposed of, in the terms of the notification dated 04.01.2017.

5. Learned Advocate General, who appears for respondents 2 to 4 and Mr.C.V. Ramachandramoorthy, learned Senior Panel Counsel, who appears for Union of India, i.e, respondent No.1, submit that such a direction could be passed.

6. Hence, respondent Nos. 2 and 4 shall ensure that the mining lease is granted and executed in favour of the petitioner, notwithstanding the fact that Environmental Clearance Certificate has not been obtained, the only caveat being that the petitioner will not carry out any mining activity, till such time, Environmental Clearance Certificate is obtained, as required under the relevant Statute and the Rules

framed thereunder.

7. The writ petition is disposed of accordingly. However, there shall be no order as to costs. Resultantly, connected W.M.P. No.38200 of 2016 stands closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
Union of India,
Ministry of Mines,
Shastri Bhavan,
New Delhi 110 115.
2. State of Tamil Nadu,
rep. by Secretary to Government,
Industries (MMA2) Department,
Secretariat,
Fort St. George, Chennai - 9.
3. Commissioner,
Department of Geology and Mining,
Thiru Vi Ka Industrial Estate,
Guindy, Chennai 600 032.
4. The District Collector,
Collectorate,
Thoothukudi.

+1cc to Mr.Satish Parasaran, Advocate, S.R.No.1446
+1cc to Mr.C.V. Ramachandra Murthy, Advocate, S.R.No.1279
+1cc to the Government Pleader, S.R.No.1686

md(06/01/2017)

W.P. No. 44336 of 2016