



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.03.2017

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THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P (MD) No.19465 of 2015

and

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

N.Chitthirai Selvan

.. Petitioner

Vs.

1.The Chairman,
State Level Environment Impact,
Assessment Authority,
3rd Floor, Panagal Maligai,
No.1, Jeenis Road,
Saidapet, Chennai -15.

2.The District Collector,
Thoothukudi District.

3.The Assistant Director,
Geology and Mining,
Thoothukudi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st respondent to issue clearance certificate to the petitioner for conducting quarry operation in petitioner's patta land in S.F.No.1111/2D2 over an extent of 2.02.5 hectares in Padmanabamangalam Village, Srivaikundam Taluk, Tuticorin District.

For Petitioner

: Mrs.Chamundi Bose

For Respondents

:Mr.G.Muthukannan,

Government Advocate

ORDER

This writ petition has been filed by the petitioner directing the 1st respondent to issue clearance certificate to the petitioner for conducting quarry operation in the petitioner's patta land in S.F.No.1111/2D2 over an extent of 2.02.5 hectares in Padmanabamangalam Village, Srivaikundam Taluk, Tuticorin District.



2.The petitioner averred among the other things in the affidavit filed in support of the petition that he has approached the second respondent to grant license to quarry black stone / jelly in his patta land. The second respondent herein has also granted license to the petitioner, by his proceedings dated 23.04.2012, for a period of five years, as per Rules 19 and 20 of the Tamil Nadu Minor and Mineral Concession Rules, 1959, based on which an agreement was also entered on 23.04.2012 between the petitioner and the second respondent and the petitioner was allowed to conduct quarry operation from 23.04.2012 to 22.04.2017. While so, as per the orders of the Hon'ble Supreme Court, the second respondent issued a notice dated 18.05.2015 directing the petitioner to produce the clearance certificate of the first respondent herein within 180 days i.e., on or before 18.11.2015. Though the petitioner had submitted his application in the month of July, 2015, the same was not taken up on file for want of Committee. Again the petitioner has submitted his application on 20.10.2015 seeking clearance certificate from the 1st respondent. But, till date the 1st respondent has not considered the same. In the meanwhile, the second respondent has stopped to issue transport permit and thus, the quarry operation of the petitioner come to a standstill from 19.10.2015. Hence, the petitioner has come up with this writ petition for the aforesaid prayer.

3.The learned counsel for the petitioner reiterated the averments made in the petition.

4.The learned Government Advocate appearing for the respondents submitted that the application of the petitioner would be considered by the first respondent as early as possible on merits.

5. Though the petitioner averred in the writ petition that he has submitted his application in the month of July, 2015, a copy of the said application has not been produced before this Court. However, the petitioner has filed a copy of the latest application dated 20.10.2015. Considering the submission of the learned counsel appearing for both sides, this Court, without going into the merits of the averments raised in the petition, directs the first respondent to consider and dispose of the application, dated 20.10.2015, submitted by the petitioner seeking clearance certificate, on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is directed to send a copy of the application dated 20.10.2015 to the first respondent with a copy of this order to the first respondent for the earliest consideration.



6.This writ petition is accordingly disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (Co)

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/True Copy/

Sub-Assistant Registrar

To,

1.The Chairman,
State Level Environment Impact,
Assessment Authority,
3rd Floor, Panagal Maligai,
No.1, Jeenis Road,
Saidapet, Chennai -15.

2.The District Collector,
Thoothukudi District.

3.The Assistant Director,
Geology and Mining,
Thoothukudi District.

+1 CC TO M/S.CHAMUNDI BOSE,ADVOCATE,SR NO.17931

+1 CC TO SPECIAL GOVERNMENT PLEADER SR NO.18162

gcg

MAS/KP/SAR4:21.04.2017:3P-6C

W.P (MD) No.19465 of 2015
24.03.2017