

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 06.09.2017****CORAM:****THE HONOURABLE MR.JUSTICE R.MAHADEVAN****WEB COPY****W.P(MD)Nos.16827 & 16828 of 2017**

Vijesh Chemicals,  
Rep. by its partner  
R.Chandra

.. Petitioner in both petitions

Vs.

1. The Commissioner of Geology and Mining,  
Guindy,  
Chennai.

.. Respondent No.1 in both petitions

2. The District Collector,  
Tirunelveli.

3. The Assistant Director,  
Geology and Mining,  
Tirunelveli.

..Respondents 2&3in W.P(MD)No.16827/17

2. The District Collector,  
Virudhunagar District.

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

..Respondents 2&3 in W.P(MD)No.16828/17

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to grant the transport permits to the petitioner to transport the already collected limestone from the site in Survey No.198/1B in Perumalpatti Village, Sankarankoil Taluk, Tirunelveli District and Survey No.1333/1A1 in Sholapuram Village, Virudhunagar District, pending issuance of the environmental clearance by Ministry of Environment, Forest and Climate Change in pact assessment division , based on the petitioner representation dated 03.08.2017.

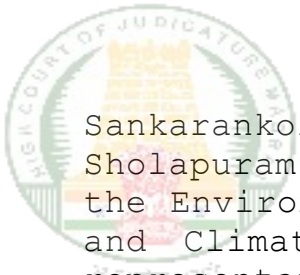
For Petitioner : Mr.S.Senthil  
(In both cases)

For Respondents : Mr.J.Gunaseelan Muthiah,  
(In both cases) Government Advocate

\*\*\*\*\*

**COMMON ORDER**

These writ petitions have been filed by the petitioner, seeking a Writ of Mandamus, directing the respondents to grant transport permits to the petitioner to transport the limestone from their site in Survey No.198/1B in Perumalpatti Village,



Sankarankoil Taluk, Tirunelveli District and Survey No.1333/1A1 in Sholapuram Village, Virudhunagar District, pending issuance of the Environmental Clearance by the Ministry of Environment, Forest and Climate Change Impact Assessment Division, based on their representation dated 03.08.2017.

WEB COPY

2.Mr.J.Gunaseelan Muthiah, learned Government Advocate takes notice for the respondents. By consent, these writ petitions have been taken up for disposal at the admission stage itself.

3.According to the petitioner, they have been granted lease for Mining Lime Stone in the aforesaid survey nos., for a period of 20 years, which are going to expire on 04.01.2018 and 16.11.2017 respectively. While so, the National Green Tribunal has passed an order stating that all the lessees who got mining lease should have environmental clearance certificate for continuing their mining operation. Pursuant to the same, the petitioner has also applied for environmental clearance on 15.07.2017, for the aforesaid two areas, which are said to be pending. As the said applications for environmental clearance are pending before the Ministry of Environment, Forest and Climate Change Impact Assessment Division, the respondents stopped the mining operation of the petitioner and refused to provide transport permit for loading the limestone, which were already unearthed by the petitioner. In this regard, the petitioner submitted a representation before the respondents on 03.08.2017, requesting them to grant transport permit for transporting the already unearthed limestone alone. As the said representation has been kept pending, without any action, the petitioner is before this Court.

4.Considering the facts and circumstances of the case, this Court, without going into the merits of the petitioner's claim, directs the respondents to consider the representation of the petitioner dated 03.08.2017 and pass appropriate orders, on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

5.With the above direction, these writ petitions are disposed of. No costs.

Sd/-  
Assistant Registrar

/True Copy/

Sub Assistant Registrar



To

1. The Commissioner of Geology and Mining,  
Guindy,  
Chennai.

2. The District Collector,  
Tirunelveli.

3. The Assistant Director,  
Geology and Mining,  
Tirunelveli.

4. The District Collector,  
Virudhunagar District.

5. The Assistant Director,  
Geology and Mining,  
Virudhunagar District.

+2cc to Mr.B.Jameel Arasu, Advocate SR.No.77626,77625  
+1cc to The Spl.Government Pleader Sr.No.77305,77706

GK

VB/MR/KKR/SAR1/11/09/2017/3P/9C

**ORDER MADE IN**  
**W.P(MD)Nos.16827 & 16828 of 2017**  
**06/09/2017**