

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 21.09.2017

CORAM:

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN
W.P (MD) Nos.17296 and 17297 of 2017

Vijesh Chemicals

... Petitioner in both WPs

Vs.

1. Union of India,
Rep.by the Secretary,
Ministry of Environment,
Forest and Climate Change,
New Delhi.

2. The Commissioner Geology and Mining,
Guindy, Chennai - 600 032.

3. The District Collector,
Virudhunagar District.

4. The Assistant Director,
Geology and Mining,
Virudhunagar.

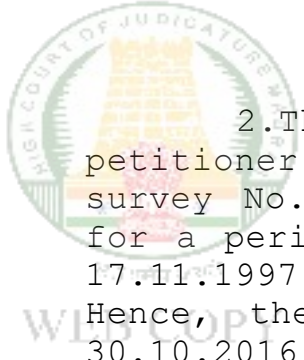
... Respondents in both WPs

COMMON PRAYER:Writ Petitions filed under Article 226 of the Constitution of India praying for issuance a writ of Mandamus, directing the first respondent to consider the petitioner's application in the proposals No. IA/TN/MIN/66238/2017 and IA/TN/MIN/66239/2017, submitted in online on 15.07.2017, respectively, seeking for environmental clearance within a time to be fixed by this Court.

For Petitioner : Mr.S.Senthil
For Respondent -1 : Mr. Pillaimanikandan
For Respondents 2 to 4 : Mr.M.Alagathevan
Special Government Pleader
in both WPs

COMMON ORDER

These writ petitions are filed seeking for issuance of a writ of Mandamus, directing the first respondent to consider the petitioner's application in the proposals No. IA/TN/MIN/66238/2017 and IA/TN/MIN/66239/2017, submitted in online on 15.07.2017, respectively, seeking for environmental clearance within a time to be fixed by this Court.



2. The learned counsel for the petitioner submitted that the petitioner was granted mining lease for mining Lime stone in survey No.1333/1A1 in Sholapuram Village, Virudhunagar District, for a period of 20 years, pursuant to the G.O.3(D).No.169, dated 17.11.1997 and the lease period is getting expired on 16.11.2017. Hence, the petitioner submitted an application for renewal on 30.10.2016, before the fourth respondent. It is further submitted that the National Green Tribunal passed an order, directing all the lessees, who got mining lease, should apply for environmental clearance, before 31.03.2016. The petitioner did not submit the application in time and later on submitted an application before, the State Level Environmental Impact Assessment Authority, who in turn, rejected the application, directing the petitioner to approach the Ministry of Environment, Forest and Climate Change Impact Assessment Division.

3. The learned counsel for the petitioner submits that as per the notification in SO 804 E, dated 14.03.2017, the petitioner submitted application through online on 15.07.2017, seeking environmental clearance and thereafter, on 19.07.2017, the petitioner sent a representation to the first respondent, requesting to consider and dispose of the online applications submitted by the petitioner at the earliest. However, no action has been taken by the first respondent, till date. Therefore, the petitioner is before this Court by filing the present writ petitions.

4. It is further submitted that it would be suffice to direct to the first respondent, to consider the petitioner's representation and dispose of the same. The learned counsel appearing for the first respondent, on instructions, would submit that application of the petitioner will be considered on merits, within a stipulated time.

5. Considering the limited scope of the relief now sought for, this Court, without going into the merits of the case, directs the first respondent to consider the applications of the petitioner dated 15.07.2017 and 19.07.2017 and pass appropriate orders, on its own merits and in accordance with law, after affording due opportunity of hearing to the petitioner. Since the petitioner's lease is to expire by 16.11.2017, it is necessary to pass appropriate orders on the applications of the petitioner by the first respondent and under such circumstances the order should be passed on or before 09.10.2017.

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

Sd/-

Assistant Registrar()



To

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

ORDER MADE IN
W.P (MD) Nos.17296 &
17297 of 2017

dsk

SDS/SV:MMS/SAR 2/06.10.2017/3P/5C