

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2018

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

W.P.No.22476 of 2018

K.R.Christu Raj

.. Petitioner

-vs-

1. The Member Secretary
State Environment Impact Assessment Authority
Ground Floor, Panagal Maligai
No.1, Jeenias Road, Saidapet
Chennai 600 015
 2. The Tamil Nadu Pollution Control Board
rep.by its Chairman
No.76, Anna Salai, Guindy
Chennai 600 032
- .. Respondents

Petition under Article 226 of the Constitution of India,
praying for the issue of a Writ of Mandamus, directing the first
respondent to consider the application for Environmental
Clearance made by the petitioner on 09.04.2018 and pass orders
on the same within such time as may be directed by this Hon'ble
Court.

For Petitioner :: Mr.V.Suthakar

For Respondents :: Mr.C.Thirumaran
Government Advocate for R1

Mrs.Rita Chandrasekaran for R2

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ORDER

(Order of the Court was delivered by R.SUBBIAH, J.)

The petitioner has approached this Court seeking a prayer for issuance of a writ of mandamus directing the first respondent to consider his application dated 09.04.2018 for Environmental Clearance and to pass orders on the same.

2. According to the petitioner, he applied for Environmental Clearance before the first respondent through his application dated 4.8.2016 for the existing rough stone quarry in Government land to an extent of 1.00 hectare in Survey No.176 (part), Vada Alapirandhan Village, Cheyyar Taluk, Tiruvannamalai District and he was also called for a meeting on 1.9.2016 in this regard. However, when he was waiting for the Environmental Clearance, the Ministry of Environment, Forest and Climate Change, New Delhi issued a notification dated 14.3.2017 setting out the procedure by which the applications for Environmental Clearance by such of those project proponents who had been operating their units without obtaining prior environmental clearance, treating them as violation cases, with a further direction to submit all such proposals to the Ministry of Environment, Forest and Climate Change, New Delhi. Based on the said notification, the petitioner was also directed to submit his proposal to the Ministry of Environment, Forest and Climate Change, New Delhi and he also submitted his proposal on 13.9.2017 to the Ministry. Subsequently, the Ministry of Environment, Forest and Climate Change, New Delhi issued further notifications dated 8.3.2018 and 15.3.2018, whereby the Ministry directed that projects falling under Category 'B' shall be appraised by the State Authority, namely, the State Environment Impact and Assessment Authority, Tamil Nadu. Thereafter, the petitioner submitted his proposal to the first respondent on 9.4.2018. As per the latest notification, if the area of quarry is less than 5 hectares, there is no requirement of a public hearing. In support of his submission, the learned counsel also produced a copy of the notification dated 14.8.2018 issued by the Ministry of Environment, Forest and Climate Change, New Delhi.

3. We have also heard the learned Government Advocate for the first respondent.

4. After hearing the submissions made by the learned counsel on either side, this Court directs the first respondent to consider the pending application of the petitioner for Environmental Clearance, in accordance with the notification dated 14.8.2018 issued by the Ministry of Environment, Forest and Climate Change, New Delhi, and pass appropriate orders

within a period of four weeks from the date of receipt of a copy of this order. The writ petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

ss

To

1. The Member Secretary
State Environment Impact Assessment Authority
Ground Floor, Panagal Maligai
No.1, Jeenai Road, Saidapet
Chennai 600 015
2. The Chairman
Tamil Nadu Pollution Control Board
No.76, Anna Salai, Guindy
Chennai 600 032

+1cc to Mr.V.Suthakar, Advocate SR.No.62769

+1cc to Ms.Rita Chandrasekar, Advocate SR.No.62525

+1cc to Government Pleader SR.No.62978

GMV (03/10/2018)

W.P.No.22476 of 2018

सत्यमेव जयते

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