

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH
AND

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

WRIT PETITION No.23980 of 2018

S.Jayabal

... Petitioner

Vs.

1. The Member Secretary,
State Environment Impact Assessment Authority,
Ground Floor, Panagal Maligai,
No.1, Jeenai 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

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first Respondent to consider the application for Environmental Clearance made by the Petitioner vide Online SEAC proposal No.SIA/TN/MIN/23310/2018, dated 02.04.2018 and representation dated 09.07.2018 without insisting on any Public hearing in respect of quarrying of black coloured granite in Patta land to an extent of 1.12.0 ha. at S.F.Nos.6/5, 7/2A, 7/4, 7/5 and 7/7, Kunnam Village, Vanur Taluk, Villupuram District, Tamil Nadu and pass orders on the same expeditiously.

For Petitioner : Mr.V.Suthakar

For 1st Respondent : Mr.V.Anandhamoorthy,
Additional Government Pleader

For 2nd Respondent : Mrs.Rita Chandrasekar

O R D E R

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

Petitioner has come up with the present Writ Petition seeking a direction to the first Respondent to consider the application for Environmental Clearance made by him vide Online

SEAC proposal No.SIA/TN/MIN/23310/2018, dated 02.04.2018 and the representation dated 09.07.2018, without insisting on any Public hearing in respect of quarrying of black coloured granite in Patta land to an extent of 1.12.0 ha. at S.F.Nos.6/5, 7/2A, 7/4, 7/5 and 7/7, Kunnam Village, Vanur Taluk, Villupuram District, Tamil Nadu and pass orders on the same, expeditiously.

2. According to the Petitioner, under Notification vide S.O.141(E), dated 15.01.2016 issued by the Ministry of Environment, Forests and Climate Change (MoEF & CC), the Mining Lease area of the Petitioner is classified as Category B2, being less than 5 ha. Subsequently, the Ministry of Environment, Forests and Climate Change (MoEF & CC) issued a Notification dated 14.03.2017 setting out the procedure, by which the applications for Environmental Clearance by the proponents, who had been operating their Units without obtaining prior Environmental Clearance as per Notification dated 15.01.2016, will be considered as cases of 'violation' and all such proposals were to be submitted before MoEF & CC, New Delhi.

3. Accordingly, the Petitioner applied for Environmental Clearance to the Ministry of Environment, Forests and Climate Change (MoEF & CC) on 29.07.2017 for the existing Granite quarry in Patta land to an extent of 1.12.0 ha. at S.F.Nos.6/5, 7/2A, 7/4, 7/5 and 7/7, Kunnam Village, Vanur Taluk, Villupuram District, Tamil Nadu. Thereafter, the Ministry of Environment, Forests and Climate Change, New Delhi issued further Notifications, dated 08.03.2018 and 15.03.2018, 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 (SEIAA), Tamil Nadu.

4. The Petitioner, then, submitted his proposal for grant of Environmental Clearance (EC) to the 1st Respondent vide Online SEAC proposal No.SIA/TN/MIN/23310/2018, dated 02.04.2018. The 1st Respondent appraised the proposal of the Petitioner as a violation case in the 107th SEAC meeting held on 13.04.2018 and after due consideration of the proposal, the 1st Respondent granted Terms of Reference (ToR) to the Petitioner vide Letter No.SEIAA-TN/F.No.6353/TOR-348/2018, dated 14.05.2018. The Petitioner complied with the directions contained in the ToR and submitted a detailed Environmental Impact Assessment (EIA) to the 1st Respondent on 09.07.2018. However, the 1st Respondent has orally informed the Petitioner that online submission of the Report shall be made after completion of a public hearing in respect of the project. The Petitioner has also submitted his request for grant of Environmental Clearance through representation dated 09.07.2018 along with the EIA Report.

5. It is represented by the learned Counsel for the Petitioner that 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 produced a copy of the Notification dated 14.08.2018 issued by the Ministry of Environment, Forests and Climate Change, New Delhi.

6. We have heard the learned counsel on either side and perused the material documents available on record.

7. Considering the facts and circumstances of the case and taking note of the submissions made by the learned counsel on either side, this Court directs the 1st Respondent/Member Secretary, State Environment Impact Assessment Authority, to consider the pending application of the Petitioner for Environmental Clearance, in accordance with the Notification dated 14.08.2018 issued by the Ministry of Environment, Forests and Climate Change, New Delhi, and pass appropriate orders within a period of four (4) weeks from the date of receipt of a copy of this order.

The Writ Petition stands disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Member Secretary,
State Environment Impact Assessment Authority,
Ground Floor, Panagal Maligai,
No.1, Jeenis 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, S.R.No. 67530

+1cc to Ms.Rita Chandrasekar, Advocate, S.R.No. 66551

W.P.No.23980 of 2018

MR (CO)
GN(25/10/2018)