

WMP Nos.24383 & 24384 of 2019
in WP No.21614 of 2019

S.MANIKUMAR, J.,
AND
SUBRAMONIUM PRASAD, J.,

[Order of the Court was made by S.MANIKUMAR, J.]

In WMP No.24383 of 2019 in WP No.21614 of 2019, writ petitioner has sought for an amendment in the prayer.

2. In WMP No.24384 of 2019 in WP No.21614 of 2019, writ petitioner has sought for dispensing with the original of the consents to operation (licence) granted to the 8th respondent bearing (1) consent order No.1704211520825 dt. 18.12.2017 and (2) consent order No.1704111520825 dt. 18.12.2017.

3. Supporting the above prayers, petitioner has stated as hereunder.

"2. I state that the present Public Interest Litigation is filed praying for issue of Writ of Mandamus directing respondents 5 and 6 to cancel the consent to opciace (licence) granted to the 8th respondent and forbear respondents 5 and 6 from granting consent to operate (licence) to the 9th respondent and further direct the respondents to take appropriate action to close the crushing units operated by respondents 8 and 9 on the foot hills of Brammarishi malai, Elambalur Village, Perambalur Taluk in Perambalur District. I crave leave of this Hon'ble Court to treat the affidavit filed in support of the writ petition read as part and parcel of this

affidavit.

3. I state that we have filed certain additional documents along with an affidavit in support of the said documents produced. The said additional documents include the consents to operate issued to the 8th respondent and one R.C.R.Blue Metals. The consent to operate issued to the 8th respondent is valid till 31.3.2023, while the consent to operate issued to R.C.R. Blue Metals was valid till 30.9.2008. The same seems to have been extended and renewed up to 31.3.2019. This extension is evidenced by the letter issued by the 6th respondent dated 5.7.2018 available in the original typed set of papers. We have also made a fresh application under the Right to Information Act seeking details regarding the action taken in furtherance to our earlier complaints and also the guidelines based on which such consents to operate were granted, in spite of the fact that the crusher units are situate in proximity to residential areas and institutions which were already in existence on the date on which the crusher units were established. I state that we have sought for details as to whether any fresh consent to operate has been granted subsequently. The details thereof are still awaited.

4. I state that in view of the fact that the consent to operate issued to the 8th respondent was received by us subsequent to the filing of the writ petition in response to the query of the 2nd petitioner under the Right to Information Act, we are praying to permit us to amend the prayer of the writ petition by seeking to quash the consent to operate issued to the 8th respondent. As far as we could ascertain the 9th respondent is also now operating the second crusher unit besides the 8th respondent and we do not have any details regarding the consent to operate having been granted to the 9th respondent. Presently we are only aware of the consent to operate issued to the 8th respondent,

which, as stated above, is valid till 31.3.2023.

5. I further state that we do not have the original of the consent to operate issued to the 8th respondent dated 18.12.2017 is not available with us and only the copy received in furtherance to the application under the Right to Information Act is available.

6. It is therefore prayed that this Hon'ble Court may be pleased to DISPENSE WITH the original of the consents to operate (licence) granted to the 8th respondent bearing (1) consent order No. 1704211520825 dated 18.12.2017 and (2) consent order No. 1704111520825 dated 18.12.2017 thus render justice.

7. It is therefore prayed that this Hon'ble Court may be pleased to permit the petitioners to amend the prayer in writ petition W.P.No.21614 of 2019 as follows:

Existing prayer:

15. It is further prayed that this Hon'ble Court may be pleased to issue a WRIT OF MANDAMUS or any other appropriate writ, order or direction in the nature of a writ directing respondents 5 and 6 to cancel the consent to operate granted to the 8th respondent and forbear respondents 5 and 6 from granting consent to operate to the 9th respondent and further DIRECT the respondents to take appropriate action to close the crushing units operated by respondents 8 and 9 on the foot hills of Brammarishi malai, Elambalur Village, Perambalur Taluk in Perambalur District, and pass such further or other orders as may be deemed fit and proper and thus render justice.

Amended prayer:

It is further prayed that this Hon'ble Court may be pleased to issue a WRIT OF CERTIORARIFIED MANDAMUS or any other appropriate writ, order or direction in the nature of a writ calling for the entire records of respondents 5 and 6 pertaining to the consent to operate (licence) granted to the 8th respondent under

the proceedings of the 5th and 6th respondents (1) bearing reference No.F.0405ARY/OS/DEE/TNPCB/ARY/A/2017 dated 18.12.2017 including the consent order No. 1704211520825 dated 18.12.2017 and (2) bearing reference No.F.0405ARY/OS/DEE/TNPCB/ARY/W/2017 dated 18.2.2017 including the consent order No. 1704111520825 dated 18.12.2017 and QUASH the same and forbear respondents 5 and 6 from granting consent to operate (licence) to the 9th respondent and further direct respondents 1 to 7 to take appropriate action to close the crushing units operated by respondents 8 and 9 on the foothills of Brammarishi Malai, Elambalur Village, Perambalur Taluk in Perambalur District, and pass such further or other orders as may be deemed fit and proper and thus render justice."

4. We are satisfied with the reasons assigned for amendment and WMP No.24383 of 2019 in WP No.21614 of 2019, is ordered. WMP No.24384 of 2019, filed for dispensing with the production of original impugned orders, is also ordered.

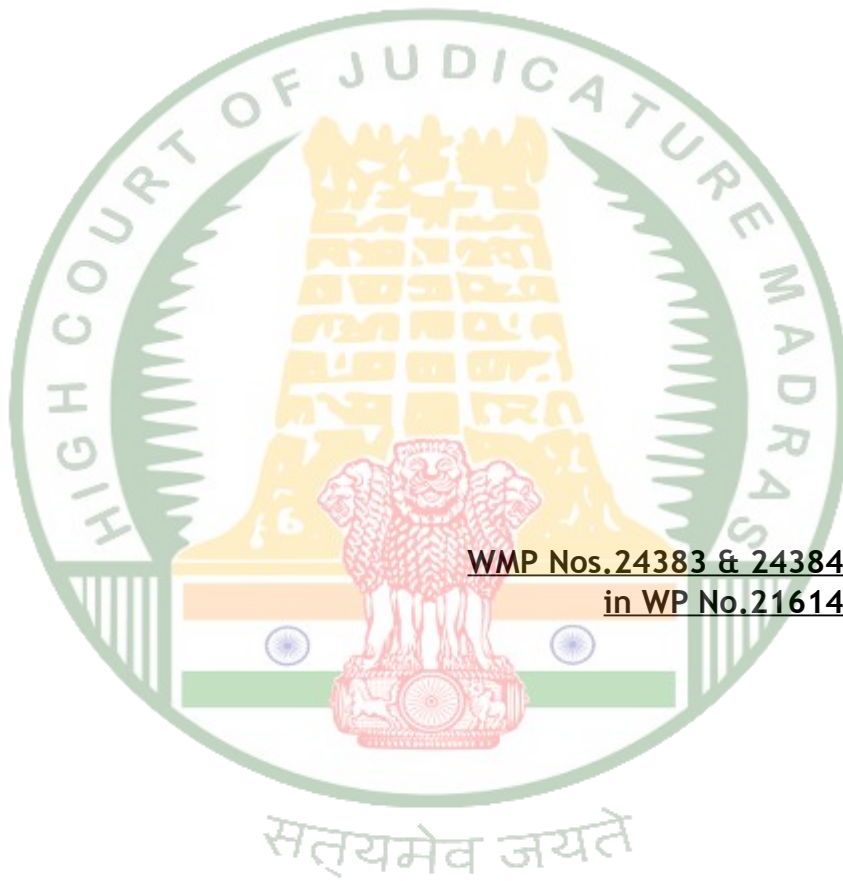
5. Registry is directed to carry out the amendment, wherever required and post the writ petition on 26.08.2019.

[S.M.K.,J.] [S.P., J.]
22.08.2019

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S.MANIKUMAR, J.,
AND
SUBRAMONIUM PRASAD, J.,

ars



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