



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2019

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.[MD]No.640 of 2018
and
W.M.P.[MD]No.668 of 2018

P.Mohanraj

... Petitioner

Vs.

1.The Director,
Impact Assessment Division,
Ministry of Environment, Forest and Climate Change,
Indira Paryavaran Bhavan,
Vayu Wing, 3rd Floor,
Aliganj, Jorbagh Road,
New Delhi - 110 003.

2.The District Collector,
Thoothukudi District,
Thoothukudi.

3.The Environmental Engineer,
Tamil Nadu Pollution Control Board,
C7 and C9, SIPCOT Industrial Complex,
Melavittan,
Thoothukudi District.

4.The Secretary,
Department of Environment,
Government of Tamil Nadu,
Chennai

... Respondents

[R4 is suo motu impleaded by order dated 12.06.2019]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 2 & 3 to conduct Public hearing in connection with environmental impact assessment clearance for the petitioner's proposed rough stone and gravel quarry at Survey No.760/1, 760/2, 762/1, 762/2A, 763 in Padmanaba Mangalam Village, Thoothukudi District before 17.04.2018 and quash the same as illegal.



For Petitioner : Mr.M.Mahaboob Athiff
For Respondent No.1 : Mr.C.Nandagopal
For Respondents 2 & 3 : Mrs.J.Padmavathy Devi
Special Government Pleader

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ORDER

The petitioner prays for Mandamus directing respondents 2 & 3 to conduct public hearing in connection with environmental impact assessment clearance for the petitioners' proposed rough stone and gravel quarry at Survey No.760/1, 760/2, 762/1, 762/2A, 763 in Padmanaba Mangalam Village, Srivaigundam Taluk, Thoothukudi District.

2.No serious objection is raised by the respondent in regard to the Mandamus sought. However, there is a technical glitch insofar as the Terms Of Reference ('TOR') issued by the Ministry of Environment, Forest and Climate Change, Impact Assessment Division dated 17.04.2015 is valid only for three years.

3.The petitioner has, prior to the expiry of the three year period, sought extension of the TOR by application dated 05.04.2018. On 26.06.2018, it appears that the Ministry of Environment, Forest and Climate Change has transferred the petitioners' application to its State wing at Chennai. The matter remains there as of now.

4.Thus, it would suffice that a direction be issued to the State Environment, Forest & Climate Change Impact Assessment Authority, Chennai, which is now seized with the application for extension of the TOR, for expeditious disposal of the same. However, since the Authority has not been arrayed as a party before me, I *suo motu* implead the Secretary, Department of Environment, Government of Tamil Nadu, Chennai, in this writ petition. Mrs.J.Padmavathy, learned Special Government Pleader, takes notice in regard to the said respondent.

5.The Authority shall consider the application seeking extension of TOR within four [4] weeks from the date of receipt of this order and subject to the same, the Mandamus sought for is issued. The second respondent will hold public hearing in connection with environmental impact assessment clearance for the petitioners' proposed rough stone and gravel quarry within a period of twelve [12] weeks from the date of extension of TOR by the impleaded fourth respondent.



6.The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Director,
Impact Assessment Division,
Ministry of Environment, Forest and Climate Change,
Indira Paryavaran Bhavan,
Vayu Wing, 3rd Floor,
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 - 2.The District Collector,
Thoothukudi District,
Thoothukudi.
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Tamil Nadu Pollution Control Board,
C7 and C9, SIPCOT Industrial Complex,
Melavittan,
Thoothukudi District.
 - 4.The Secretary,
Department of Environment,
Government of Tamil Nadu,
Chennai.
 - 5.The State Environment, Forest and Climate Change,
Import Assessment Authority, Chennai.
- +1 CC to M/s.AJMAL ASSOCIATETS, Advocate SR-68373.
+1 CC to SPL GP SR-68883.

W.P.[MD]No.640 of 2018

12.06.2019

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