



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.9171 and 9172 of 2019

and

W.M.P.(MD)Nos.7149 and 7147 of 2019

A.Desika Sankar ... Petitioner in W.P.(MD)No.9171 of 2019

P.Kishore ... Petitioner in W.P.(MD)No.9172 of 2019

Vs

1.The Chairman,
Standing Committee of National Board of Wild Life,
Indian Paryavaran Bhavan,
Jarbagh Road,
New Delhi-3.

2.The District Collector,
Kanyakumari District,
Kanyakumari. ... Respondents in both writ petitions

PRAYER in W.P.(MD)No.9171 of 2019: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to grant clearance for operation of rough stone quarry in S.F.No.748/2, 3, 4, 5, 6, 7, 8, 752/2, 3, 4, 5, 6, 8, 9, 10, 753/10, 754/1, 4, 5, 755/1, 3, 4, 5, 756/1, 3, 6, 757/2, 3, 4, 5, 6, 763/2, 3, 4, 5, 7, 8, 766/1, 2, 3, 4, 5, 7, 767/2, 3, 4, 5 and 768/1 Nallur Village, Agastheeswaram Taluk, Kanyakumari District by considering the application preferred by the petitioner dated 10.05.2017 taken on file of the first respondent, within that period may be stipulated by this Court and consequently forbear the second respondent from taking any coercive action against the petitioner in furtherance of his proceedings in RC.No.61/G&M/2019 dated 01.04.2019 pending disposal of the above clearance application by the first respondent.

PRAYER in W.P.(MD)No.9172 of 2019: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to grant clearance for operation of rough stone quarry in S.F.No.453/1,2,3,4,5 and 7 in Thazhakudi Village, Thazhakudi Taluk, Kanyakumari District by considering the application preferred by the petitioner dated 04.11.2015 taken on file of the first respondent, within the period that may be stipulated by this Court and consequently forbear the second respondent from taking any coercive action against the petitioner in



furtherance of his proceedings in RC.No.61/G& M/2019 dated 01.04.2019 pending disposal of the above clearance application by the first respondent.

For Petitioner

: Mr.Ajmal Khan
Senior counsel

for M/s.Ajmal Associates(in both writ petitions)

For R1

: Mr.Rajesh Saravanan

For R2

: Mr.M.Rajarajan
Government Advocate

(in both writ petitions)

COMMON ORDER

Heard the learned Senior Counsel appearing for the writ petitioner and the learned Standing Counsel for the first respondent and the learned Government Advocate for the second respondent.

2.The petitioners have been granted license to quarry rough stone in the petition mentioned survey numbers. The petitioners have applied for clearance from the first respondent Board. The applications are pending for quite sometime. In the typed set of papers, the petitioners have enclosed the online applications preferred by them before the first respondent. The necessity to file of these writ petitions arose because the second respondent has issued notices informing the petitioners that unless they get NBWL clearance certificate within a period of 15 days, action would be taken as per Rules.

3.The learned Senior Counsel submitted that without getting clearance from the first respondent Board, the petition mentioned quarries will not be operated out. The only relief that is sought is that the second respondent should not take any coercive action in the meanwhile.

4.I find the said request to be reasonable. The learned Senior Counsel also drew my attention to the common order dated 24.04.2017 made in W.P.(MD)Nos.7374 and 7375 of 2017 in which the following order was passed:

"10.Since the petitioner has already applied for clearance certificate on 29.08.2016 to the first respondent which is pending with him and in view of the fact the petitioner has already produced all the other necessary certificates as required under the Act, the first respondent is directed to dispose of the applications of the petitioners dated 28.08.2016 within a period of four weeks from the date of receipt of a



copy of this order and the second respondent shall not take any coercive action against the petitioners."

5.I am of the view that similar order can be passed in the present case also. Therefore, the first respondent is directed to dispose of the applications filed by the petitioners seeking clearance. The first respondent shall pass orders on the online applications made by the petitioners on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not pronounced anything on the merits of the matter.

6.The second respondent is restrained from taking any coercive action against the petitioners herein till the disposal of the petitioners' application by the first respondent Board. The undertaking given by the writ petitioners that till clearance is issued by the first respondent Board, they would not operate the quarry is placed on record.

7.Accordingly, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Chairman,
Standing Committee of National Board of Wild Life,
Indian Paryavaran Bhavan,
Jarbagh Road,
New Delhi-3.

2 The District Collector,
Kanyakumari District,
Kanyakumari.

+1CC TO M/S.AJMAL ASSOCIATES, Advocate, Sr No.61458
+1CC TO Mr.B.RAJESH SARAVANAN, Advocate, sr No.61301
+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.61628

W.P.(MD)Nos.9171 and 9172 of 2019
and
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