

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.01.2020

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.26840 of 2019
and
W.M.P.No.26243 of 2019

V.Anandan

.. Petitioner

..Vs..

1.The Member Secretary,
State Level Environment Impact
Assessment Authority,
3rd Floor,
Panagal Building,
Saidapet, Chennai - 600 015.

2.The Commissioner of Geology and Mining,
Guindy, Chennai - 600 002.

3.The District Collector/Chairman,
District Environment Impact Assessment Authority,
Collectorate,
Krishnagiri.

4.The Deputy Director,
Department of Geology and Mining,
No.30, Collectorate,
Krishnagiri District.

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representations dated 20.05.2019 and 11.07.2019 and thereby direct the respondents to grant Environment Clearance and extent the lease period for quarrying Rough Stones, Jelly and Sized in S.No.346 (Part), 353, 354/2, Osapuram Village, Denkanikottai Taluk, Krishnagiri District to an extend of 2.02.5 Hectares.

For Petitioner

: Mr.L.Chandrakumar
for Mr.R.Sundarapandian

For R1

: Mrs.Sunita Kumari,
Senior Panel Counsel.

For R2 to R3

: Mr.G.Rajesh

O R D E R

This Writ Petition has been filed in the nature of Mandamus, seeking a direction to consider and pass orders on the representations of the petitioner dated 20.05.2019 and 11.07.2019 and grant Environment Clearance and extend the lease period of quarrying at S.No.346 (Part), 353, 354/2, Osapuram Village, Denkanikottai Taluk, Krishnagiri District to an extent of 2.02.5 hectares.

2. The petitioner seeks Environment Clearance for quarrying Rough Stones and Jelly. It is stated that, the petitioner had participated in public auction in the year 2009 and he was the successful bidder. Thereafter, various correspondence took place and it is the grievance of the petitioner that he was not able to exploit the land to the extent possible. He had given representations to the authorities and seeks consideration of the same.

3. Today Mr.L.Chandrakumar, learned counsel for the petitioner stated that the petitioner may be afforded an opportunity to give a fresh representation. For this, the learned Special Government Pleader stated that the period of lease itself has expired. However, this statement is countered by stating that the petitioner was not able to exploit the land for entire lease period and therefore he is entitled to seek extension of period. These are issues which can be addressed by the 3rd respondent, namely, the District Collector, Krishnagiri District. Therefore, it would be inappropriate on the part of this Court to enter into a discussion and finding on the facts.

4. The petitioner may therefore give a fresh representation adverting to all aspects including seeking extension of period of the lease and this representation may be given directly to the District Collector, Krishnagiri District, on or before 14.02.2020. On receipt of the same, the District Collector, Krishnagiri District, may issue a notice for personal appearance of the petitioner and enquire into the issue and pass final orders on or before 31.03.2020. The District Collector, Krishnagiri District, may not hold the issue of delay against the petitioner.

5. With the above observations, the Writ Petition stands disposed of. No order as to costs. Consequently, connected Writ Miscellaneous Petitions is closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

smv

To,

1.The Member Secretary,
State Level Environment Impact
Assessment Authority,
3rd Floor, Panagal Building,
Saidapet, Chennai - 600 015.

2.The Commissioner of Geology and Mining,
Guindy, Chennai - 600 002.

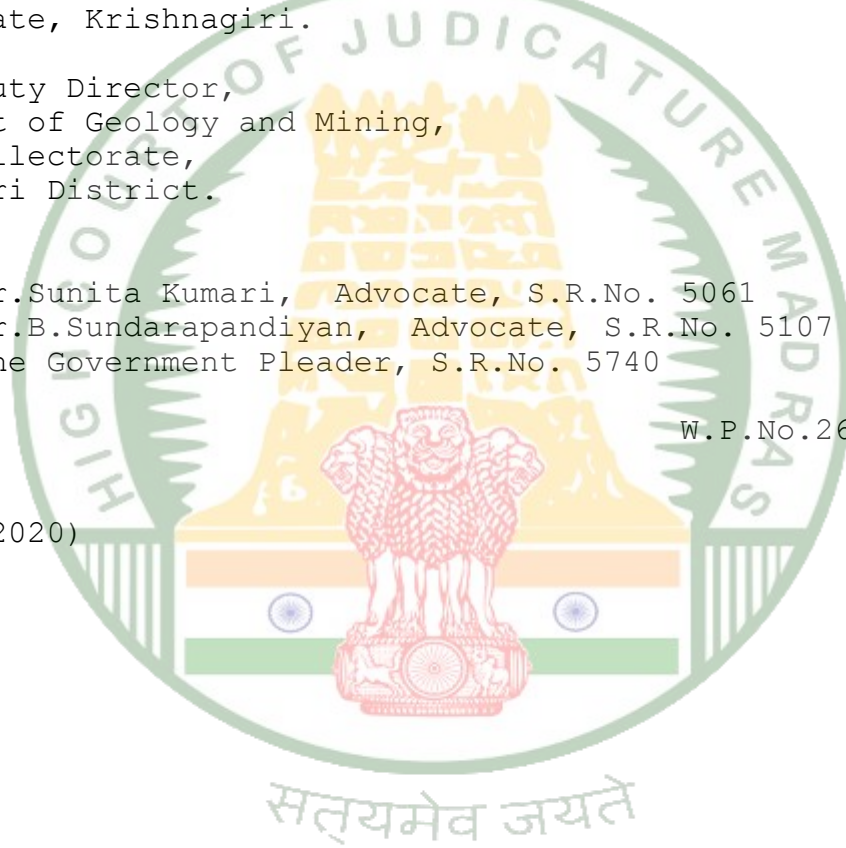
3.The District Collector/Chairman,
District Environment Impact Assessment Authority,
Collectorate, Krishnagiri.

4.The Deputy Director,
Department of Geology and Mining,
No.30, Collectorate,
Krishnagiri District.

+1cc to Mr.Sunita Kumari, Advocate, S.R.No. 5061
+1cc to Mr.B.Sundarapandiyan, Advocate, S.R.No. 5107
+1cc to the Government Pleader, S.R.No. 5740

W.P.No.26840 of 2019

RJI (CO)
GN(04/02/2020)



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