



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

W.P. (MD) No.2081 of 2020

and W.M.P. (MD) Nos.2922 and 2925 of 2020

S.Chendurpandi

: Petitioner

Vs.

1.The Union of India

Rep. by the Secretary to Government of India,
Department of Atomic Energy
Anushakti Bhavan
Chatrapathi Shivaji Maharaj Marg,
Mumbai 400 001 Maharashtra

2.The Chairman,

Atomic Energy Regulatory Board,
Niyamak Bhavan, Anushaktinagar
Mumbai - 400 094 Maharashtra.

3.The State of Tamil Nadu

Rep. by its Secretary,
Public Works Department
Fort St. George, Chennai.

4.The Chairman,

The State level Environment Impact,
Assessment Authority (SEIAA)
3rd Floor, Panagal Maaligai
No.I, Jeenis Road, Saidapet,
Chennai.

5.The Director,

Department of Geology and Mining,
Guindy, Chennai.

6.The District Collector,

Department of Geology and Mining,
Guindy, Chennai.

7.The Deputy Director,

Department of Geology and Mining,
Kokkirakulam, Tirunelveli

8.The Chairman

Koodangulam Project Local Committee,
Nuclear Power Corporation
Jawahar Street, Ramavarmapuram
Nagercoil, Kanyakumari District.



9. The Managing Director,
The Hi-tech Rock Products,
& Aggregates Limited,
Mount Poonamalee Road,
Manapakkam,
P.B.No.979, Chennai.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents 1 to 8 herein to forbear the 9th respondent from doing any mining operations in the land bearing S.F.No.475/2B1, 475/2C1, 477/2C3A, 2C3A, 2C3C, 2C4B, 2C5B, 2C6B, 2C7, 2C8, 2C9(P), 478/2A1B, 2C3A, 2C3B, 2C3C, 2C3D, 2C3F1, 2C3G1, 2C3H1, 2C3K1, 2C3L, 2C3M, 4,6,8,10 for an extent of 4.96.0 hectares in Erukandurai Part II Village, Radhapuram Taluk, Tirunelveli District by cancelling 9th respondent quarry lease & license in the light of G.O.Ms.No.829 Public Work Department dated 29.04.1991 issued by the 3rd respondent.

For Petitioner : Mr.T.Cibi Chakraborty

For Respondents : Mr.K.Chellapandian
Assistant Advocate General
assisted by Mr.V.R.Shanmuganathan
Special Government Pleader
for R3, R5 to R7
Mr.M.Rajendran CGSC for R1
Mr.C.Muthu Saravanan for R8
Mr.S.Suresh for Aiyar & Dolia for R9

ORDER

(Order of the Court was made by P.N.PRAKASH, J.)

Heard the learned counsel for the petitioner, the learned Central Government Standing Counsel for R1 & R2, the learned Additional Advocate General for the respondents 3, 5 to 7 and the learned counsel for the respondents 8 and 9.

2. It is the case of the petitioner that the respondent Nos.5 and 6 had given quarrying license to the respondent No.9 within 2.8 kms. radius of the Nuclear Power Station site at Koodankulam and therefore, the said license requires to be cancelled in public interest.

3. On notice, the respondents have entered appearance and have placed materials before this Court to show that the quarry license was given to the 9th respondent in respect of the area, which is 5.98 kms. from Koodankulam Nuclear Power Project and it is 2.9 kms. from the compound wall of the site.

4. Mr.T.Cibi Chakraborty drew our attention to G.O.Ms.No.829 dated 29.04.1991 and submitted that whenever any activity is to be



permitted by the revenue authorities within 2 to 5 kms. radius around the Nuclear Power Station, permission of the Project Local committee should have to be obtained, whereas, in this case, such a permission has not been obtained.

5. In the opinion of this Court, the necessity to obtain clearance from the Koodankulam Project Local Committee would arise only where the proposed activity falls within the radius of 2 to 5 kms. and not beyond it. That apart, the revenue authorities had written to the Project Director of Koodankulam Project seeking his permission, for which, the Project Director, by communication dated 02.12.2019, has stated as follows:

"This is to inform you that Kudankulam Nuclear Power Project NPCIL, do not have any objection regarding granting of permission for quarry lease at location mentioned in the letter referred above."

6. In such view of the matter, this petition is devoid of merits and accordingly, the same is dismissed and the interim order of injunction stands vacated. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RR

To

1.The Secretary to Government of India,
Union of India
Department of Atomic Energy
Anushakti Bhavan
Chatrapathi Shivaji Maharaj Marg,
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2.The Chairman,
Atomic Energy Regulatory Board,
Niyamak Bhavan, Anushaktinagar
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Department of Geology and Mining, Kokkirakulam,
Tirunelveli

8.The Chairman
Koodangulam Project Local Committee,
Nuclear Power Corporation
Jawahar Street, Ramavarmapuram
Nagercoil, Kanyakumari District.

+1 CC to Mr.T.CIBI CHAKRABORTHY, Advocate (SR-10132[F] dated
05/03/2020)

+1 CC to SPL.GP (SR-10183[F] dated 05/03/2020)

+1 CC to Mr.C.MUTHUSARAVANAN, Advocate (SR-10127[F] dated
05/03/2020)

+1 CC to Mr.AIYAR&DOLIA, Advocate (SR-10321[F] dated 06/03/2020)

+1 CC to Mr.N.DILIP KUMAR, Advocate (SR-10394[F] dated 06/03/2020)

Order made in
W.P. (MD) No.2081 of 2020
and W.M.P. (MD) Nos.2922 and 2925 of 2020
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VB(11.03.2020) 4P 14C