

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.5490 of 2021 and

W.M.P.No.6099 of 2021

T.Sadasivam

.. Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Secretary to the
Government, Environment and Forest Department,
Fort St. George,
Chennai - 600 009.
2. State Level Environment Impact
Assessment Authority of Tamil Nadu,
3rd Floor, Panagal Maligai,
No1, Jennis road, saidapet,
Chennai - 600 015.
3. The District Collector,
Cuddalore District.
4. The Assistant Director,
Geology and Mining Department,
Cuddalore-2.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 3rd and 4th respondents to follow the procedures prescribed for issuing Permanent Quarrying Lease, before issuing the Temporary Quarrying lease also.

For Petitioner : Mr.V.Ravi

For Respondents : Mr.Vijaya Prasad, Spl.G.P.,
for respondents 1

Mr.E.Manoharan, Spl.G.P.,
for respondents 2 to 4

ORDER
(made by SENTHILKUMAR RAMAMOORTHY, J.)

The petitioner complains that environmental clearance requirements and other requirements under applicable laws and rules are being flouted by respondents 3 and 4 by granting temporary quarrying leases. In support of such assertion, the petitioner refers to a document at page 4 of the typed set of papers. The said document is a permit slip for a period of 90 days in respect of the transport of gravel.

2. Mr.E.Manoharan, learned Special Government Pleader accepts notice on behalf of respondents 3 and 4. On instructions, he submits that neither permanent nor temporary quarrying leases or licenses are granted without prior environmental clearance. He states that particularly after the judgment of the Hon'ble Supreme Court in the case of Deepak Kumar vs. State of Haryana and others, (2012) 4 SCC 629, this procedure is being strictly followed. As regards the document at page 4 of the typed set of papers filed by the petitioner, he submits that it is in the nature of a transport permit for gravel. He also points out that the Ministry of Environment issued a notification on March 28, 2020, whereby certain activities were exempted from the requirement of prior environmental clearance. One of the activities is the removal of gravel for road laying purposes. Except as regards activities which are exempted under the notification of March 28, 2020, he states that no activities are being permitted without a prior environmental clearance. The said statements are recorded.

3. In view of the submissions made by learned Special Government Pleader, the grievance of the petitioner has been substantially addressed. Consequently, nothing survives of the writ petition. W.P.No.5490 of 2021 is disposed of by recording the aforesaid submissions. There will be no order as to costs. Consequently, W.M.P.No.6099 of 2021 is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To:

1. The Secretary to the Government,
State of Tamilnadu,
Environment and Forest Department,
Fort St. George,
Chennai - 600 009.

2. State Level Environment Impact
Assessment Authority of Tamil Nadu,
3rd Floor, Panagal Maligai,
No1, Jennis road, saidapet,
Chennai - 600 015.

3. The District Collector,
Cuddalore,
Cuddalore District.

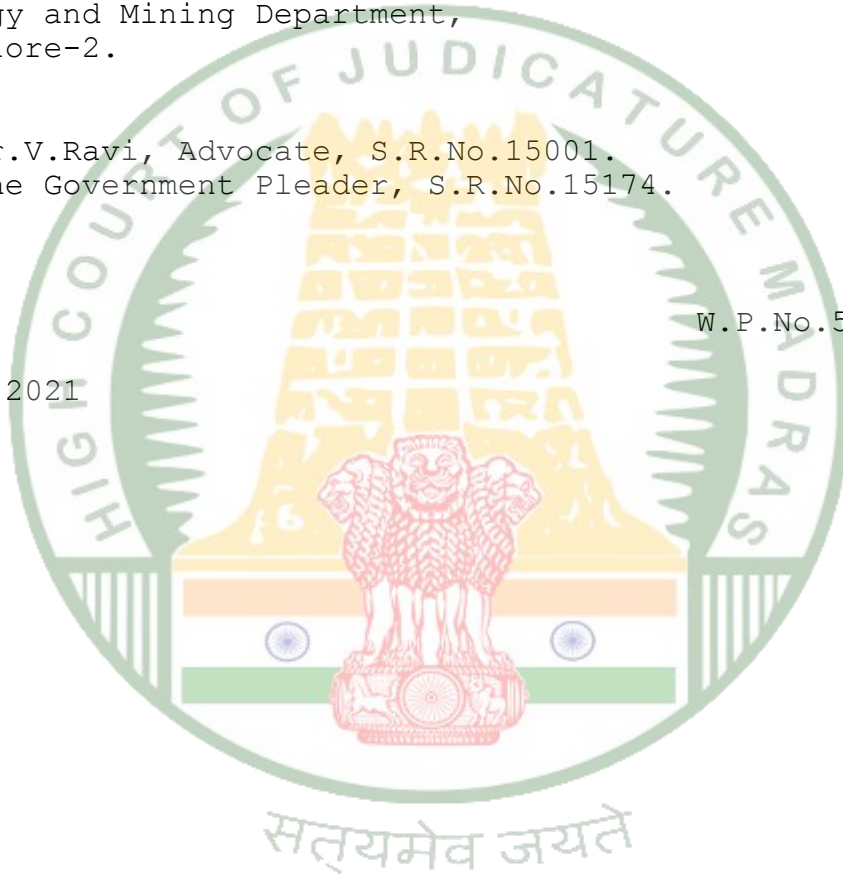
4. The Assistant Director,
Geology and Mining Department,
Cuddalore-2.

+1cc to Mr.V.Ravi, Advocate, S.R.No.15001.

+1cc to the Government Pleader, S.R.No.15174.

AK-II(CO)
CSR 29.03.2021

W.P.No.5490 of 2021



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