



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.2229 of 2021

C.Sukumaran

... Petitioner

Vs.

1.The Chairman,
State Level Environment Impact
Assessment Authority,
3rd Floor, Panagal Maaligai,
Saidapet, Chennai - 15.

2.The District Collector,
Trichy District, Trichy.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to modify the clause 11 of the proceedings Lr.No.SEIAA-TN-F.No.5524/1(a)/E.C.No.3606/2016 dated 24.08.2016 and permit the petitioner to continue the quarrying operation as per the lease agreement dated 10.02.2017 entered between the petitioner and the 2nd respondent till 09.02.2022 by considering his representation dated 01.08.2020.

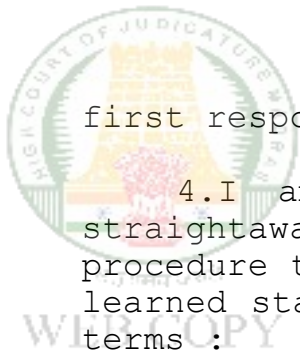
For Petitioner	: Mr.T.Leninkumar
For Respondents	: Mr.N.Dilipkumar for R1 Mr.B.Bhagawathi, Government Advocate for R2

O R D E R

Heard the learned counsel on either side.

2.The petitioner applied for environmental clearance for his proposed rough stone quarry on 09.07.2016. It was recommended by the first respondent. Eventually, environmental clearance was also granted on 24.08.2016 on condition that it would be co-terminus with the mining lease period or limited to a maximum period of five years from the date of issue whichever is earlier. The petitioner could not get mining lease immediately. He got the mining lease on 10.02.2017 for a period of five years.

3.The petitioner's grievance is that while he will have the mining lease upto 09.02.2022, the environmental clearance will expire on 23.08.2021. Therefore, he wants the relevant clause in the environmental clearance to be modified. In order to compel the



first respondent to do so, this writ petition has been filed.

4. I am afraid that this Court would not be justified in straightaway issuing a writ of mandamus as prayed for. The procedure to be followed by the petitioner has been indicated by the learned standing counsel for the first respondent in the following terms :

"The petitioner may be directed to file the application in SEIAA-TN for amendment in the validity of the Environmental Clearance issued as per the office memorandum dated 12.04.2016 along with relevant valid documents obtained from the Department of Geology and Mining as well as District Collector, Tiruchirappalli District along with last transport permit issued by the Assistant Director/Deputy Director, Department of Geology and Mining, Trichy with a said particulars and uploading the same through PARIVESH web portal so as to take decision for the extension of Environmental Clearance extended upto the lease period by placing before the Authority."

5. The learned counsel for the petitioner states that he would file such an application within a period of two weeks from the date of receipt of copy of this order. If the petitioner does so, the first respondent will consider the same as expeditiously as possible. The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Chairman,
State Level Environment Impact
Assessment Authority,
3rd Floor, Panagal Maaligai,

Sealdaspet, Chennai - 15.
<https://hcservices.ecoip.gov.in/hcservices>



2.The District Collector,
Trichy District, Trichy.

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-8644[F] dated 04/03/2021)

WEB COPY

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-8619[F] dated 04/03/2021)

+1 CC to M/s.SPL GP (SR-8699[F] dated 04/03/2021)

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