



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S. SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.(MD)No.6321 of 2021
and W.M.P.(MD) No.4921 of 2021

S.Innasi Muthu ...Petitioner
Vs.

- 1.The Secretary,
Ministry of Environmental and Forest (MoEF),
Government of India, Indira Paryavaran Bhawan,
Jor Bagh Road, New Delhi - 110 003.
- 2.The District Collector,
Thoothukudi District, Thoothukudi.
Tamil Nadu.
- 3.The Assistant Director (Mines),
District Collector Office Building,
Thoothukudi.
- 4.The Revenue Divisional Officer,
Tiruchendur, Thoothukudi.
- 5.The Tahsildar,
Sathankulam Taluk, Sathankulam,
Thoothukudi District.
- 6.Franklin
- 7.Stanlin
- 8.Prakash ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 to 5 not to issue any lease or any Environmental Clearance Certificate from the Ministry of Environment and Forest (MoEF) to respondents 6 to 8 or anybody else for quarrying in the land extending Hec.7.16.00 in Survey Numbers 37/2A1, 36/1, 37/3A, 37/2B1, 59/5A and 35/1 at Meerankulam Village, Sathankulam Taluk, Thoothukudi District without following the mandatory requirements as directed by Hon'ble Supreme Court by its decision reported in 2012 (4) SCC 629 by considering petitioner's representation dated 12.02.2021.

For Petitioner
For Respondent No.1

:Mr.S.R.Anbarasu
:Mrs.L.Victoria Gowry
Assistant Solicitor General of India



For Respondent Nos.2 to 5 :Mr.A.Karthick
Government Advocate

For Respondent Nos.6 to 8 :Mr.Ajmalkhan,
Senior Counsel for Mr.Mahaboob Athiff
* * * * *

WEB COPY

ORDER

(Order of the Court was made by T. S. SIVAGNANAM, J.)

The writ petition, styled as Public Interest Litigation, has been filed, seeking for issuance of a Writ of Mandamus, directing respondents 1 to 5 not to issue any lease or any Environmental Clearance Certificate from the Ministry of Environment and Forest (MoEF) to respondents 6 to 8 or anybody else for quarrying in the land extending Hec.7.16.00 in Survey Numbers 37/2A1, 36/1, 37/3A, 37/2B1, 59/5A and 35/1 at Meerankulam Village, Sathankulam Taluk, Thoothukudi District, without following the mandatory requirements as directed by Hon'ble Supreme Court by its decision **Deepak Kumar and others Vs. State of Haryana and others** reported in **2012(4) SCC 629** by considering petitioner's representation dated 12.02.2021.

2.Learned counsel for the petitioner submitted that the petitioner is concerned about the protection of environment and therefore, he seeks for the above direction and also alleges that without obtaining any such environmental clearance as contemplated by the relevant rules, steps are being taken by the District Collector, Thoothukudi District, to give quarrying licence.

3.The learned Senior Counsel appearing for respondent Nos.6 to 8, who have applied for grant of licence, submitted that there is no bonafide for the petitioner to file the present Writ Petition and the petitioner's brother has earlier filed Writ Petition in W.P.(MD) No.13600 of 2020 for an identical relief and the affidavit filed in the Writ Petition is verbatim reproduced. The said Writ Petition was disposed of, wherein, it is stated as follows:

"2.Mr.Ajmal Khan, learned Senior Counsel appearing for the respondents 5 to 7, on instructions, would submit that the respondents 5 to 7 will abide by the directions issued by the Hon-ble Supreme Court in a decision reported in 2012(4)SCC 629 and they will obtain quarrying license from the first respondent, only after obtaining Environmental Clearance Certificate from the Ministry of Environment and Forest (MOEF) of the Central Government.

3.In view of the submissions made by the learned Senior Counsel appearing on behalf of the respondents 5 to 7, the relief sought for by the petitioner in this writ petition has been fully



achieved."

It is submitted that the above order of the learned Single Bench is being in the process of consideration. In the mean time, the present Writ Petition has been filed.

4.Learned Government Advocate appearing for respondent Nos.2 to 5 on instructions from the Tahsildar, Sathankulam, dated 14.04.2021, submitted that only after environment clearance is obtained, permission will be considered. This submission is placed on record.

5.Before parting, we observe that the authorities while granting a lease should not think about the mineral development alone, but also bear in mind the environmental concerns and a delegated balance is required to be maintained between both.

6.With the above observations, the Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (Records)

// 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 Secretary,
Ministry of Environmental and Forest (MoEF),
Government of India, Indira Paryavaran Bhawan,
Jor Bagh Road, New Delhi - 110 003.
- 2.The District Collector,
Thoothukudi District, Thoothukudi.
- 3.The Assistant Director (Mines),
District Collector Office Building,
Thoothukudi.
- 4.The Revenue Divisional Officer,
Tiruchendur, Thoothukudi.
- 5.The Tahsildar, Sathankulam Taluk,
Sathankulam, Thoothukudi District.

W.P. (MD)No.6321 of 2021
19.04.2021

RP (25.05.2021) P 6C

<https://hcservices.ecourts.gov.in/hcservices/>