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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.262 of 2019
& W.M.P.Nos.277 and 279 of 2019

M/s Enterprising Enterprises,
Rep. by its Partner Mr.K.Badrinarayanan
B-254, 50th Street, Ashok Nagar,
Chennai - 600 083. ...Petitioner

Vs

- 1.State of Tamil Nadu,
Rep. by its Secretary to Government,
Industries Department, Fort St. George,
Chennai - 600 009.
- 2.The State Level Environmental -
Impact Assessment Authority (SEIAA),
Rep. by its Chairman,
3rd Floor, Panagal Maligai,
No.1, Jeenis Road, Saidapet,
Chennai - 600 015. ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent's letter bearing Lr.No.SEIAA-TN/F.4402/2015/NGT, dated 02.06.2017, quash the same and direct the 2nd respondent to grant environment clearance by re-considering the application of the petitioner dated 13.10.2015, pertaining to government quarry lands measuring 3.04.5 Hecs, comprised in S.F.No.13/1(Part), situated in Semangalam Village, Vanur Taluk, Villupuram District.

For Petitioner	:	Mr.K.Ramakrishna Reddy
For R1	:	Mr.B.Vijay Additional Government Pleader
For R2	:	Mr.Srinivasa Murthy Senior Central Government Standing Counsel



O R D E R

Heard Mr.K.Ramakrishna Reddy, learned counsel appearing for the petitioner, Mr.B.Vijay, learned Additional Government Pleader for R1 and Mr.K.Srinivasamoorthy, learned Senior Central Government Standing Counsel for R2.

2.The petitioner challenges an order passed by the 2nd respondent returning the application filed by the petitioner seeking Environment Clearance in respect of the Black Granite Quarry at S.F.No.13/1 (P), Semangalam Village, Vanur Taluk, Villupuram District.

3.The finding in the order impugned is to the effect that the quarry was under operation without having obtained an Environment Clearance. Furthermore, the mining lease has also expired. The impugned order reads as follows:

'The above Hon'ble NGT order was communicated to the respective Deputy Director / Assistant Director, Department of Geology and mining and was addressed vide reference 4th cited to reexamine the proposals seeking Environmental Clearance for the existing quarries considering the above Hon'ble NGT Order with an intimation to the proponent.

Whereas in the reference 5th cited, the Ministry of Environment, Forest and Climate Change (MoEF&CC) Notification dated 14.03.2017 has stated that the cases of violations will be dealt strictly as per the procedure specified in the following manner.

.....'

4.In the counter filed on behalf of R2, the authority refers, at para-6, to certain additional particulars that were called for under letters dated 05.01.2016 and 31.03.2016 and states that since the additional particulars had not been submitted, the impugned order had come to be passed returning the application.

5.Learned counsel for the petitioner, in such circumstances would pray that the petitioner be permitted to submit the additional particulars as sought for by R2. Acceding to the prayer, the impugned order is sustained as there is nothing untoward pointed out therein, and the submission of the petitioner to the effect that it would submit the materials called for, is recorded. Let the same be submitted within a period of four weeks from today, upon receipt of which, speaking



orders will be passed by R2 after hearing as the petitioner, expeditiously as possible. This writ petition stands disposed as above. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

vs

To

1.The Secretary to Government,
State of Tamil Nadu,
Industries Department, Fort St. George,
Chennai - 600 009.

2.The Chairman,
The State Level Environmental -
Impact Assessment Authority (SEIAA),
3rd Floor, Panagal Maligai,
No.1, Jeenias Road, Saidapet,
Chennai - 600 015.

+1cc to Mr.K.Srinivasamurthy, Advocate SR. No.9398

+1cc to Mr.K.Ramakrishna Reddy, Advocate SR. No.9646

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& W.M.P.Nos.277 and 279 of 2019

SKM (CO)

PR (01/04/2022)