



W.P.(MD)No.19450 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

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MRK.Siva

....Petitioner

Vs.

- 1.The Director of Vigilance and Anti - Corruption,
Directorate of Vigilance and Anti-Corruption,
No.293, MKN Road,
Alandur,
Chennai - 600 016.
- 2.The Deputy Superintendent of Police,
Vigilance and Anti - Corruption,
Kumarasamy Raja Nagar,
Collectorate Campus,
Virudhunagar - 626 002.
- 3.The District Collector / Chairperson,
District Environment Impact Assessment Authority,
Virudhunagar District,
Virudhunagar - 626 002.
- 4.The Chairperson
District Level Expert Appraisal Committee,
Virudhunagar District,
Virudhunagar - 626 002.



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5.Arumuga Nayinar

Deputy Director of District Geography and Mining,
Virudhunagar District,
Virudhunagar - 626 002.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 and 2 to conduct enquiry and to take appropriate and immediate action against the 3rd to 5th respondents by considering the petitioner's representation dated 05.10.2021.

For Petitioner : Mr.R.Jayaprakash

For Respondents : Mr.P.Thilak Kumar - for R1 to R4
Government Pleader
: Mr.K.Govindarajan - for R5
for Mr.V.Balaji

ORDER

[Order of the Court was made by **P.N.PRAKASH, J.**]

Making vague allegations, that 33 minor mineral quarries licences have been given in violation of Rules, the petitioner gave a representation, dated 28.09.2021 and thereafter, filed the present Public Interest Litigation with the above prayer.



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2. Heard, Mr.R.Jayaprakash, learned counsel for the petitioner, Mr.P.Thilak Kumar, learned Government Pleader appearing for the respondents 1 to 4 and Mr.K.Govindarajan, learned counsel for Mr.V.Balaji, learned counsel appearing for the fifth respondent.

3. Neither in his representation, nor in the affidavit filed in support of this writ petition, the petitioner has stated that nearly 33 Minor Minerals Quarries Licences were issued.

4. On the contrary, the District Collector, Virudhunagar District, has filed a detailed counter affidavit, dated 10.02.2022, wherein, he has stated that the District Level Environmental Impact Assessment Authority and the District Level Expert Appraisal Committee of Virudhunagar District, went into each of the application and had cleared and given environmental clearances way-back in the year 2018.

5. In paragraph No.6 of the counter affidavit, it is stated as follows :

"6) I respectfully submit that the averments made by the petitioner in



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paragraph numbers 7 and 8 of the affidavit are not sustainable before law. As per the Proceedings of the third respondent in Rc.No.KV1/10654/2016, dated: 13.02.2017 and 22.02.2017 the District Level Environment Assessment Authority (DEIAA) and District Level Environment Appraisal Committee (DEAC) were formed in respect of Virudhunagar district. The said agencies were implemented for clearing B2 category quarry projects having less than 5.00.0 hectares in extent vide the Proceedings of the third respondent in Rc.KV1/10654/2016, dated: 28.02.2017. Initially as per the letter No.SEIAA-TN / Virudhunagar district / 2017, dated: 09.03.2017, transferred 24 files applied for State Level Environment Clearance to District Level Environmental Impact Assessment Authority, Virudhunagar. In the meanwhile, as per the District Gazette (Extra-Ordinary) No.4, dated: 13.05.2017, necessary notifications were also published by the third respondent regarding the nomination of official and expert members as Chairperson, member and member Secretary for District Level Environmental Impact Assessment



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Authority and District Level Environment Appraisal Committee. Accordingly the first meeting of District Level Environment Appraisal Committee convened on 30.05.2017 and necessary proposals for 20 minor mineral quarries were sent to the District Level Environmental Impact Assessment Authority vide letter No.KV1/10654/2016, dated: 26.06.2017. In the same manner the second such meeting was conducted on 11.07.2017 for 32 minor mineral quarries and 3rd to 8th such meetings were conducted on 15.09.2017 for 7 minor mineral quarries, on 21.10.2017 for 19 Minor mineral quarries, on 07.02.2018 for 22 minor mineral quarries on 15.05.2018 for 20 minor mineral quarries, on 17.07.2018 for 11 minor mineral quarries, on 15.11.2018 for 27 minor mineral quarries and finally on 06.12.2018 for 30 minor mineral quarries. Since all- the above mentioned meetings are referral and recommendation gatherings from District Level Environment Appraisal Committee to District Level Environmental Impact Assessment Authority, both fresh and carry over project proposals submitted by project proponents of minor



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mineral in respect of environmental clearance and environment impact assessment. All of the activities of District Level Environmental Impact Assessment Authority and District Level Environment Appraisal Committee of Virudhunagar district are transparent and each and every happenings were notified through District Level Environmental Impact Assessment Authority_tn_vr and District Level Expert Appraisal Committee_tn_vr web portals. I further respectfully submit that the case in Executive Application No.55/2018 in original application Nos.520/2016 — Vikrant Tonged Vs Union of India was ordered by the Hon'ble National Green Tribunal Principal Bench, New Delhi on 11.12.2018, and it had been communicated to the third respondent cum Chairman, District Level Environment Impact Assessment Authority vide letter No. SEIAA-TN/NGT/2018, dated: 12.12.2018 by the member Secretary, State Level Environmental Impact Assessment Authority, Chennai. The said letter had been received on 20.12.2018 by the Chairman cum third respondent. Prior to the aforesaid official communication in confirmation of the orders



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of the Hon'ble National Green Tribunal regarding the MINISTRY OF ENVIRONMENT FOREST AND CLIMATE CHANGE Notification in S.O.141(E), dated: 15.01.2016 wherein District Level Environmental Impact Assessment Authority and District Level Environment Appraisal Committee were ordered to be constituted for category '132' for mining minor minerals, no such advices were received from any of the competent authorities. Therefore the speculation made by the petitioner regarding the alleged ante dated approval of project proponent's proposals regarding minor mineral quarries is only a false statement submitted before the Hon'ble High Court with malafide intentions and ulterior motives to thwart the legitimate functions of the government."

6. In the light of the above, it is purely a vexatious petition and it requires to be dismissed with exemplary costs of Rs.25,000/- (Rupees Twenty Five Thousand only) payable to the Gandhi Memorial Museum, Madurai - 625 020.



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7. In the result, this writ petition is dismissed with a cost of Rs.25,000/- (Rupees Twenty Five Thousand only) payable by the petitioner, to the Gandhi Memorial Museum, bearing Account No. 6479518195, IFSC Code: IDIB000T03, Indian Bank, Tallakulam Branch, Madurai, within a period of two weeks from the date of receipt of a copy of this order.

8. Post the matter on 23.09.2022, “for reporting compliance”.

[P.N.P.,J.] & [R.H.,J.]
26.08.2022

Index : Yes/No
Internet : Yes/No
RM

Copy to

1.The Gandhi Museum,
Tamukkam,
Madurai - 625 020.

2.The Director of Vigilance and Anti - Corruption,
Directorate of Vigilance and Anti-Corruption,
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P.N.PRAKASH, J.

and

R.HEMALATHA, J.

RM

ORDER MADE IN

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26.08.2022