



W.P(MD)No.20632 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20632 of 2022

and

W.M.P.(MD)Nos.14959 & 14962 of 2022

A.Ajikumar

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
Kanyakumari.

2.The Assistant Director,
Department of Geology and Mining,
Collectorate,
Kanyakumari District.

3.The Chairman,
State Level Environmental Impact Assessment Authority,
3rd Floor, Panagal Maligai,
No.1, Jeenis Road, Saidapet,
Chennai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the 1st Respondent bearing Na.Ka.No. 350 / Pu.Ma.Su / 2008 dated 27.05.2022 and quash the same in so far as it relates to the condition imposed on the Petitioner to get fresh



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Environmental clearance for the extension period of lease and further directing the 1st respondent to permit the Petitioner to continue the quarry operation for the extension period which was given by the 1st Respondent by his proceedings R.C.No. 350 / G and M / 2008 dated 07.06.2021 without insisting the Petitioner to obtain fresh environmental clearance for the extension time in his patta land in S.F.No.483/1C(P), over an extent of 1.40.0 Ha in Mecode Village at Kalkulam Taluk in Kanyakumari District and consequently, direct the second respondent to issue transport permit to the petitioner for the said period.

For Petitioner : Mr.Sricharan Rengarajan
for Mr.M.Gnanagurunathan

For R1 to R2 : Mr.P.Thilak Kumar
Government Pleader

For R3 : Mr.N.Dilipkumar

ORDER

Heard the learned counsel on either side.

2.The order impugned in this writ petition has been similarly worded as the order impugned in W.P.(MD)No.17181 of 2022.

3.The said writ petition was allowed on 23.08.2022. For the reasons set out therein, the order impugned in this writ petition is also quashed to the extent mentioned in the writ prayer. The petitioner cannot be called upon to obtain fresh Environmental Clearance Certificate for the extended period. The respondents 1 and 2 are also directed to issue transport permits for the said period.



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4.The Writ Petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

01.09.2022

Index : Yes / No

Internet : Yes/ No

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NOTE: Issue Order Copy on 08.09.2022

To

1.The District Collector,
Kanyakumari District,
Kanyakumari.

2.The Assistant Director,
Department of Geology and Mining,
Collectorate,
Kanyakumari District.

3.The Chairman,
State Level Environmental Impact Assessment Authority,
3rd Floor, Panagal Maligai,
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G.R.SWAMINATHAN, J.

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