



W.P(MD)No.20701 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2022

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THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20701 of 2022

and

W.M.P.(MD)Nos.15008 & 15010 of 2022

G.Abraham

... 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, Pangal 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 bearing Na.Ka.No. 395 / Pu.Ma.Su / 2009 dated 14.06.2022 issued by the 1st respondent and quash the same in so far as it relates to the production of Environmental clearance for the remaining extended period which was given by the 1st respondent by his



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proceedings R.C.No. 395 / G and M / 2009 dated 02.06.2021 to conduct stone quarrying operating in Petitioners Patta land S.F.No. 397/1A2, over an extent of 2.00.0 Ha in Villukuri village at Kalkulam Taluk, in Kanyakumari District and consequently direct the 2nd respondent to issue transport permit to the petitioner for the said period.

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

For R1 & R2 : Mr.P.Thilakkumar
Government Pleader

For R3 : Mr.N.Dilip KUMar

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Government Pleader appearing for R1 & R2 and the learned standing counsel appearing for the third respondent.

2. The writ petitioner was permitted to quarry the petition mentioned patta land vide order dated 10.01.2016. The petitioner's quarrying operations were suspended on 30.08.2017. He was allowed to resume operations only on 23.10.2020. He was again issued with another stoppage order on 01.12.2020. He was allowed to resume operations on 02.06.2021. He was also given extension of time by the impugned order dated 14.06.2022 to make good the non-operating period which comes to 24 months and 18 days.



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3. Though the impugned order does not say so in many words, the petitioner apprehends that he may be required to obtain a fresh clearance from the third respondent Authority.

4. The stand of the petitioner is that environmental clearance given by the authority is coterminous with the mining lease. This issue has already been decided by me vide order dated 23.08.2022 in W.P.(MD)No.17181 of 2022.

5. Adopting the very same reasoning, I clarify that the petitioner is not required to obtain fresh environmental clearance from the third respondent. I clarify that environmental clearance already obtained by him will be coterminous with the duration of the mining lease which of-course cannot extend beyond the extended period as set out in the order dated 14.06.2022.

6. The impugned order is clarified accordingly. The Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

01.09.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

rmi

To

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

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