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W.P.No.21217 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2023

CORAM: JUSTICE N.SESHASAYEE

WP.No.21217 of 2023

M.S.Nagoor Ammal

...Petitioner

-Vs-

- 1.The Government of India,
Rep. by its Joint Secretary &
Revisionary Authority,
Ministry of Mines,
Shastri Bhawan,
Dr.Rajendra Prasad Road,
New Delhi – 110 001.
 - 2.The Government of Tamil Nadu,
Rep. by its Principal Secretary to
Government,
Industries Department,
Fort St.George,
Chennai – 600 009.
 - 3.The State Level Environment Impact
Assessment Authority - Tamilnadu,
3rd Floor, Panagal Maaligai,
No.1, Jeenis Road, Saidapet,
Chennai – 15.
Phone No.044-24359973
Fax No.044-24359975.
- (R3 suo motu impleaded Vide order
dt.19.07.2023 made in W.P.21217/2023
by NSSJ)

...Respondents



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Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records of the first respondent relating to the Final Order No.42/2022 dated 20.07.2022 in the Revision Application No.27(01)2021-RC-II) filed by the Petitioner confirming the order of the second respondent passed in G.O.(D) No.55, Industries (MMA-1) Department, dated 13.05.2021, quash the same.

For Petitioner	: Mr.V.Sanjeevi
For R1	: Mr.P.G.Santhosh Kumar
For R2	: Mr.C.Kathiravan, Special Government Pleader

ORDER

The petitioner had a mining lease to mine limestone in her own property and she was initially granted a lease of 20 years and then it was extended to 50 years. While so, the petitioner's license to mine limestone is stated to have been lapsed, since the petitioner is stated to have not quarried for two years. This was challenged by the petitioner before the first respondent and the first respondent Vide his proceedings dated 20.07.2022 intimated the petitioner that in view of the Statutory Order 141 (E) issued by Ministry of Environment, Forest and Climate Change



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dated 15.01.2016, it is mandatory for all mining leases of major minerals to obtain Environment Clearance and proceeded to dismiss the representation filed by the petitioner. This is now under challenge.

2.Heard, Mr.V.Sanjeevi, learned counsel for the petitioner and Mr.C.Kathiravan, learned Special Government Pleader for the second respondent.

3.It is very apparent that the petitioner needs to obtain Environment Clearance for mining major minerals.

4.The learned counsel for the petitioner now submits that he has already applied for Environment Clearance on 06.04.2018 and the same is pending on the desk of the State Level Environment Impact Assessment Authority/third respondent.

5.The third respondent is now required to dispose of the petitioner's application for obtaining a Environment Clearance after due enquiry and



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within the framework of law within a period of twelve (12) weeks from today.

6.Once the Environment Clearance is obtained the petitioner is at liberty to approach the Government for renewing/reviving the lease as the case may be. As and when it happens, the Government is required to decide the issue as per law.

7.The Writ Petition is disposed of accordingly. No costs.

19.07.2023

Index : Yes/No

Internet : Yes/No

Tsg



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N.SESHASAYEE, J.,

Tsg

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