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W.P.No.25699 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2023

CORAM :

THE HONOURABLE MRS.JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.No.25699 of 2023
and WMP.Nos.25131 & 25132 of 2023

S.Rajasekar

.. Petitioner

VS

1.The Chairman

Tamil Nadu Pollution Control Board,
No.76, Mount Salai, Guindy, Chennai-600 032.

2.The District Environmental Engineer

Tamil Nadu Pollution Control Board,
Tirupur North,
Tirupur District.

3.State Environment Impact Assessment Authority,

No.9, Jeenu Road,
Saidapet, Chennai-15.

... Respondents

(R3 suo motu impleaded vide order dated 04.09.2023
made in WP.No.25699 of 2023 by this Court)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the Respondents with respect to the renewal of Consent to Operate Application bearing No.54119791 for Air and Water and quash the reasons in the Scrutiny Description for return in Scrutiny details dated 20.07.2023 as arbitrary, illegal and without any basis and further direct the Respondents herein to process the renewal of Consent to



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Operate Application bearing No.54119791 for Air and Water without insisting of re-appraisal of Environmental Clearance issued by the DEIAA vide Lr.No.DEIAA-TRP/F/No.358/1 (VIII)/2018, dated 14.08.2018 by SEIAA.

For Petitioner : Mr.V.P.Sengottuvel, Senior Counsel
for Mr.P.S.Prabu
For Respondents : Mr.Gokulakrishnan (for R1 & R2)
for Mrs.Shanmugavalli Sekar
Standing Counsel
Mr.K.Srinivasamurthy (for R3)
CPCC for SEIAA
(Suo motu impleading party)

ORDER

(Order of the Court was made by V.LAKSHMINARAYANAN,J.)

The petitioner was granted quarry lease for a period of five (5) years from 25.09.2018 to 24.09.2023. The Environmental clearance for the said project was granted by the District Level Environment Impact Assessment Authority (DEIAA). The clearance that was granted was co-terminus with the grant of the lease i.e. the clearance is valid till 24.09.2023.

2.The petitioner submitted his application for consent to operate under the Air Act and Water Act on 22.11.2018 and the same was valid until 31.03.2023. Subsequently, an application was submitted for renewal and the same is pending consideration. In the meantime, the DEIAA was abolished and the power was vested with the State Environmental Impact



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Assessment Authority. In the meantime, an order was passed by the National Green Tribunal in O.A.No.142 of 2022 directing all clearances given by DEIAA to be re-appraised by SEAC/SEIAA. This order was passed on 28.04.2023.

3.On account of the fact the re-appraisal was not done by the SEIAA, the consent was not renewed.

4.It is pertinent to note that the entire period of mining itself is going to come to an end within twenty (20) days from today.

5.We therefore felt the necessity to hear the views of SEIAA and hence, impleaded it as a respondent. Therefore, we requested Mr.Srinivasamurthy, learned counsel for the SEIAA to find out how long it will take to re-appraise the situation. Mr.Srinivasamurthy on written instructions submits that it will take minimum period of three (3) weeks. In other words, by the time the re-assessment is done, the lease for which the quarrying operation was granted would have already expired.

6.In the unique and peculiar circumstances of the case as the licence itself is going to expire on 24.09.2023, we permit the petitioner to quarry till 24.09.2023 for which he has a valid consent from the Pollution Control Board as well as from DEIAA. We make it clear that all the conditions stipulated by the Pollution Control Board and DEIAA must be



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strictly complied with.

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7.If the petitioner applies for extension of lease, this order will not enure in his favour, for its co-terminus with the DEIAA approval i.e. till 24.09.2023. The petitioner will not be entitled to quarry after the said date without clearance from the Pollution Control Board and SEIAA and a valid lease.

8.This writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(J.N.B,J.) (V.L.N,J.)
04.09.2023

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

vs

Note:(i) Issue order copy on 08.09.2023.

(ii) Registry to carry out necessary amendments.

To

1.The Chairman

Tamil Nadu Pollution Control Board,
No.76, Mount Salai, Guindy, Chennai-600 032.

2.The District Environmental Engineer

Tamil Nadu Pollution Control Board,
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04.09.2023