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W.P.No. 26982 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2023

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

and

THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No. 26982 of 2023

S.Prasanth Kumar

... Petitioner

Vs.

1.State Level Environment Impact Assessment Authority (SEIAA)

Rep. by its Member Secretary,

3rd Floor, Panagal Maaligai,

No.1, Jeenis Road, Saidapet, Chennai - 600 015.

2.State Level Expert Appraisal Committee (SEAC),

Rep. by its Chairman,

3rd Floor, Panagal Maaligai,

No.1, Jeenis Road, Saidapet, Chennai - 600 015.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 23.08.2023 with respect to Proposal bearing File No.10090 of 2023, review and reconsider the same and grant Environmental Clearance to the Petitioner to quarry rough stone over an extent of 3.35.0 Hectares of Government Land comprised in S.F.No.588 (Part) of Alur

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Vilalge, Hosur Taluk, Krishnagiri District.

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For Petitioner : Mr.M.Vijayamehanath

For Respondents : Mr.K.Srinivasa Murthy
Central Government Standing Counsel

ORDER

(Order of the Court was made by J.Nisha Banu,J.)

This Writ Petition has been filed to direct the respondents to consider the petitioner's representation dated 23.08.2023.

2. As per the averments in the writ petition, the Petitioner participated in the tender-cum-public auction conducted on 7.02.2018 for the grant of quarry lease. Even though the petitioner had been declared as the highest bidder and the mining plan prepared by the petitioner was approved by the Deputy Director, under the Tamilnadu Mines and Minerals Concession Rules 1959 vide Roc No.188/2018/Mines dated 28.05.2018, and also obtained necessary Environmental Clearance from DEIAA dated 27.08.2018, the said proposal was rejected stating that the mining area was "Non Planning Area".



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3. According to the petitioner, the District Collector, Krishnagiri, granted quarry lease to the petitioner for a period of ten years on 08.03.2019. The petitioner also commenced its work of clearing the subject quarry site for the proposed quarrying activities after the receipt of all necessary and statutory permissions.

4. However, citing amendment of EIA notification 2006, brought by the MoEF vide S.O.141(E) dated 15.01.2016 and Official Memorandum (OM) dated 28.04.2023, the petitioner was advised to apply for re-appraisal of the prior Environmental Clearance (EC) to the State Level Environment Impact Assessment Authority, Tamilnadu.

5. The petitioner accordingly filed application along with necessary requisites and processing fee of Rs.20,000/-, for re-appraisal. But, the SEIAA rejected the proposal. The relevant observation for rejection is as follows,

"Based on the presentation made by the proponent, SEAC noted that there are considerable number of poultry farmhouses/ structures and few habitations/ dwelling within 300m. Besides, the proposed quarrying site is also an elevated mound with agricultural activities all around. Hence, the committee noted that the proposed rough stone quarrying operation in this area will also affect the



waterflow direction & volume coming form such elevated places. Hence the committee decided not to recommend the proposal."

6. The petitioner raising the grounds that principles of natural justice not followed in rejecting the proposal, has given a representation to the 1st respondent on 23.08.2023. Seeking direction to the respondents to consider the said representation, the petitioner has filed the present writ petition.

7. At the time of admission of this writ petition, on 13.09.2023, Mr.K.Srinivasa Murthy, learned Central Government Standing Counsel taken notice for respondents 1 and 2. The learned Central Government Standing counsel filed counter affidavit on 29.09.2023, submitting that the rejected proposals will not be reconsidered for appraisal at SEIAA. Further it was submitted that the proposed quarrying site is also an elevated mound with agricultural activities all around, hence, the committee noted that the proposed rough stone quarrying operation in the area mentioned by the petitioner will affect the water flow direction and volume coming from such elevated places and therefore, the authority decided not to grant the proposal for grant of Environmental clearance and closed the proposal.



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WEB COPY 8. The learned Standing counsel appearing for the respondent would submit that if the project proponent viz., the petitioner, if feels aggrieved by the decision of SEIAA, they have to approach the Green Tribunal.

9. This court, on going through the averments raised in the writ petition and the counter affidavit, is of the view that the only remedy available to the petitioner is to approach the Green Tribunal seeking necessary relief. We find no merits in the writ petition. Accordingly, the writ petition is dismissed. No costs.

(J.N.B.,J.)

(N.M.,J.)

nvsri/msv

12.10.2023

To

1.The Member Secretary,
State Level Environment Impact Assessment Authority (SEIAA)
3rd Floor, Panagal Maaligai,
No.1, Jeenis Road, Saidapet, Chennai - 600 015.

2.The Chairman,
State Level Expert Appraisal Committee (SEAC),
3rd Floor, Panagal Maaligai,
No.1, Jeenis Road, Saidapet, Chennai - 600 015.

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J.NISHA BANU,J.
And
N.Mala,J.

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