



W.P.No.29261 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.10.2023

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MRS. JUSTICE N.MALA**

**W.P.No.29261 of 2023
and WMP.No.28876 of 2023**

O.K.Kumar

... Petitioner

.Vs.

- 1.The Chairman
Tamil Nadu Pollution Control Board
No.76, Mount Salai, Guindy, Chennai-600 032.
- 2.State Environment Impact Assessment Authority
No.9, Jeenis Road
Saidapet, Chennai-15
- 3.The District Collector
Salem District, Salem
- 4.The Deputy Director
Department of Geology and Mining
Salem

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the 4th respondent to permit the petitioner to carry on quarrying operation in the land measuring 1.35.00 Hec comprised in Survey No.443(Part 9) of Erumapalayam Village, Salem Taluk and District, by issuing necessary transport permits until the date of expiry of



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environmental clearance obtained from the District Level Environment Impact Assessment Authority vide Lr.NoDEIAA-DIA/TN/MIN/18824/2018-SLM-E.C.No.55/2018 dated 05.12.2018 i.e. 25.02.2024, without insisting environmental clearance appraised by SEIAA and consequently direct the 2nd respondent to reappraise the Environmental Clearance granted by DEIAA.

For Petitioner : Mr.V.P.Sengottuvel
Senior counsel for Mr.K.Indupriya

For respondents : Mrs.Shanmugavalli Sekar
Standing counsel for R1
Mr.K.Srinivasamurthy
Standing counsel for R2
Mrs.Mythreye Chandru, Spl.G.P.for R3 and R4.

ORDER

(Order of the Court was made by J.NISHA BANU, J.)

The petitioner was granted quarry lease on 26.02.2019 and the same was granted for a period of ten (10) years from 26.02.2019 to 25.02.2024. 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 25.02.2024.



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2.The petitioner submitted his application for Consent to Operate under The Air (Prevention and Control of Pollution) Act, 1981 and The Water (Prevention and Control of Pollution) Act, 1974 and the same came to be granted by the 1st respondent vide Proceedings dated 22.02.2019 and the same was valid until 25.02.2024. In the meantime, the DEIAA was abolished and the power was vested with the State Environmental Impact Assessment Authority. 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 07.12.2022.

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

4. On the above submissions, Mr.Srinivasamurthy, learned counsel for the SEIAA submits that it will take minimum period of three (3) weeks for re-appraisal.

5. Mrs.Mythreye Chandru, learned Special Government Pleader drew the attention of this court to the proceedings dated 06.10.2023 whereby, the Deputy Director, Department of Geology and Mining, Collectorate, Salem,



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stated that issuing of transport permits are stopped to the writ petitioner in W.P.No.29252 of 2023/lessee until obtaining fresh Environmental Clearance (EC) from State Environmental Impact Assessment Authority (SEIAA).

6. In the facts and circumstances of the case and considering the submission of the petitioner that the 4th respondent refused to issue transport permit for the petitioner's quarry despite holding a valid Environment Clearance as on date and necessary Consent to Operate from the 1st respondent, we permit the petitioner to quarry till 25.02.2024 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 strictly complied with.

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 25.02.2024. 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.



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WEB COPY 8. This writ petition is disposed of on the above terms. No costs.

Consequently, connected miscellaneous petition is closed.

(J.N.B, J.) (N.M., J.)
06.10.2023

nvsri

Note: Issue order copy by 11.10.2023

To

- 1.The Chairman
Tamil Nadu Pollution Control Board
No.76, Mount Salai, Guindy, Chennai-600 032.
- 2.State Environment Impact Assessment Authority
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J. NISHA BANU, J.
and
N.MALA,J.

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