



W.P.No.29253 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.29253 of 2023
and W.M.P.No.28863 of 2023**

K.Prakash

... 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,
Salem District,
Department of Geology and Mining,
Salem.

... Respondents



W.P.No.29253 of 2023

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 4th respondent to permit the petitioner herein to carry on quarrying operation in the land measuring 1.00.00 Hec. comprised in Survey No.25/1(Part) of Panamarathupatty Village, Salem Taluk and District, by issuing necessary transport permits until the date of expiry of environmental clearance obtained from the District Level Environment Impact Assessment Authority vide Lr. No. DEIAA-DIA/TN/MIN15190/2018-SLM dated 10.06.2018 i.e.18.10.2023 without insisting environmental clearance appraised by SEIAA.

For Petitioner	: Mr.V.P.Sengottuvel, Senior Counsel for Mr.P.S.Prabhu
For R-1	: Mrs.Shanumugavalli Sekar, Standing Counsel
For R-2	: Mr.K.Srinivasamurthy, Standing Counsel
For RR 3 & 4	: Mrs.Mythreye Chandru, Special Government Pleader

ORDER

(The order of the Court was made by **J.NISHA BANU, J.**)

The petitioner was granted quarry lease on 28.04.2018 and the same was granted for a period of ten (10) years from 19.10.2018 to 18.10.2028.



W.P.No.29253 of 2023

WEB COPY

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 18.10.2023.

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 29.08.2018 and renewed vide Proceedings in Consent Order dated 22.08.2023. 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.



W.P.No.29253 of 2023

WEB COPY

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, 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 18.10.2023 for which he



W.P.No.29253 of 2023

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 18.10.2023. 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 on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

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

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes / No
sts/nvsri

Note: Issue order copy by 11.10.2023.



WEB COPY



W.P.No.29253 of 2023

J.NISHA BANU, J.,
and
N.MALA, J.,

nvsri

To:

- 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,
Salem District,
Department of Geology and Mining,
Salem.

Order made in
W.P.No.29253 of 2023

Dated:
06.10.2023