



W.P.No. 29598 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. 29598 of 2023
and W.M.P.No. 29232 of 2023

S.Rajee

... 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
Namakkal District
Namakkal

4. The Deputy Director
Namakkal District
Department of Geology and Mining
Namakkal

... Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 4th respondent to permit the petitioner herein to carry on quarrying operation in the land measuring 2.17.00 Hectares, comprised in Survey No.174/1A2 of Periyamanali Village, Tiruchengode Taluk, Namakkal 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—NMK-TN/F.No.259/Mines/04/E.C.No.07/2018 dated 03.08.2018 i.e., 15.10.2023, without insisting environment clearance appraised by SEIAA.

For Petitioner : Mr.V.P. Sengottuvel
Senior Counsel
for Mr. P.S. Prabhu

For Respondents : Mrs. Shanmugavalli Sekar for R1
Standing Counsel
Mr.ARL. Sundaresan
Additional Solicitor General of India
for Mr. K.Srinivasamurthy
Senior Panel Counsel
Mrs. Mythreye Chandru for R3&R4
Special Government Pleader



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ORDER

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

The petitioner was granted quarry lease on 16.10.2018 and the same was granted for a period of five (5) years from 16.10.2018 to 15.10.2023. 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 15.10.2023.

2.The petitioner submitted her 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 24.09.2018 and renewed vide Consent Order dated 28.02.2023. 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.

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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.ARL.Sundaresan, learned Additional Solicitor General of India appearing for Mr.K.Srinivasamurthy, learned counsel appearing for the SEIAA submits that it will take minimum period of three (3) weeks for re-appraisal.

5. 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 15.10.2023 for which she 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.



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6. If the petitioner applies for extension of lease, this order will not enure in her favour, for its co-terminus with the DEIAA approval i.e. till 15.10.2023. 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.

7. 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.)
12.10.2023

Index : Yes / No
Speaking Order : Yes/No
Internet:Yes/No
Neutral Citation: Yes/No
msv

Note: Registry is directed to issue order copy on 13.10.2023.

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