



WEB COPY



W.P.No. 29644 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2023

CORAM

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

**W.P.No. 29644 of 2023
and W.M.P.No.29257 of 2023**

S.K.Murugesan

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai, Guindy,
Chennai-600032

2. State Environment Impact Assessment Authority,
No.9, Jeenis Road,
Saidapet, Chennai 15

3.The District Collector,
Namakkal District,
Namakkal.

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

... Respondents

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



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2.02.5 Hectares comprised in survey no. 192/2, 192/4, 192/5, 192/6, 192/7 & 192/9, 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.06/2018 dated 03.08.2018 i.e., 13.10.2023, without insisting environmental clearance appraised by SEIAA.

For Petitioner : Mr.V.P.Senguttuvel
Senior Counsel for
Mr. P.S.Prabhu
For Respondents : Mrs.Shanmugavallisekar for R1
Standing Counsel
Mr. Srinivasamurthy for R2
Mrs. Mythreyechandru for R3
Special Government Pleader

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

This writ petition has been filed to direct the 4th respondent to permit the petitioner to carry on quarrying operation, without insisting environmental clearance appraised by SEIAA.



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2. It is averred in the writ petition that the petitioner was granted with quarrying Lease vide agreement dated 14.10.2018, executed by the third respondent, for a period of five years from 14.10.2018 to 13.10.2023 and Environmental Clearance (hereinafter referred as "EC") was granted by the District Level Environment Impact Assessment Authority (hereinafter referred as "DEIAA") for a period of five years, vide Lr.No.DEIAA-NMK-TN/F.No. 259/Mines/04/E.C.NO.06/2018 dated 03.08.2018.

3. The Government of India, Ministry of Environment, Forest and Climate Change issued an Office Memorandum, dated 28.04.2023 directing the second respondent to reappraise the EC granted by DEIAA for a period from 15.01.2016 to 13.09.2018 and directed to complete the said exercise within a period of one(1) year and also issued a direction to DEIAA to forward all the EC granted by them to the second respondent.

4. According to the petitioner, the above referred to Office Memorandum does not restrict quarrying operations until the re-appraisal exercise is completed. On the other hand, the second



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respondent has not carried out the above said exercise till date. But the fourth respondent had arbitrarily stopped issuing transport permit to the petitioner. The petitioner applied for SEIAA approval before the second respondent vide application dated 30.08.2023 and the same is pending.

5. Per contra, the learned Special Government Pleader appearing for the respondents would submit that the Assistant Director, Geology and Mining, Namakkal had inspected the said quarry lease area on 17.10.2023 and filed a status report dated 17.10.2023, wherein it has been observed as follows:

"6.....During the inspection, it was observed that the above said quarry lease area is water logged and there are no stocks of the already quarried stones are available in the lease area. Moreover no mining activities were observed in the said area and the lease period was also expired on 13.10.2023.

7. It is also furnished that, there is no provision in TNMMCR, 1959 to grant extension of lease period to transport the already quarried materials as the EC issued to the above said stone quarry also expire on 13.10.2023."



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6. Heard the learned counsel on either side and perused the materials placed before this Court.

7. As per the Official Memorandum dated 28.04.2023, EC's which have been granted between 15.01.2016 to 13.09.2018 (including both dates), were directed to be re-appraised by the SEIAA. In the case on hand, as per the directions of this court, the Assistant Director, Geology and Mining, Namakkal, dated 17.10.2023 had inspected the property and observed that the above said quarry lease area is water logged and there were no stocks of the already quarried stones available in the lease area and that there is no mining activity in the said area and the lease period was also expired on 13.10.2023. Therefore, we are of the view that the prayer sought for by the petitioner, does not merit acceptance. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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

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Index : Yes / No
msv/nvsri



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