



WEB COPY



W.P.No.29997 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2023

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No. 29997 of 2023
and W.M.P.No. 29624 of 2023

S.Sekar

... 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: 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 2.85.5 Hectares,

Page No:1/7



W.P.No.29997 of 2023

comprised in Survey No.240/3 & 245(Part), Nadupatti Village, Kadayampatti Taluk, Salem 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/MIN/19014/2018-SLM.E.C.No.64/2018 dated 05.12.2018 i.e 06.03.2024, without insisting environmental 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. K.Srinivasamoorthy
Central Government Standing Counsel
Mrs. Mythreye Chandru
Special Government Pleader
for R3&R4

ORDER

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

The petitioner was granted quarry lease on 07.03.2019 and the same was granted for a period of ten (10) years from 07.03.2019 to 06.03.2029. The Environmental clearance for the said project was granted by the District Level Environment Impact Assessment Authority (DEIAA) for a period of 5 years from the date of execution of the Quarry Lease Agreement. Therefore,



W.P.No.29997 of 2023

the clearance granted to the petitioner is valid upto 06.03.2024.

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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 23.02.2019 and renewed vide Consent Order dated 28.03.2023. 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, clearance was not given. Hence the present Writ Petition.

4. On the above submissions, Mr.K.Srinivasamoorthy, learned Central Government Standing Counsel appearing for the SEIAA submits that it will take minimum period of three (3) weeks for re-appraisal. He would further



W.P.No.29997 of 2023

submit that the petitioner has to apply for re-appraisal well within the time, along with the hard copy of the application, which has not been done by the petitioner till date.

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 and also taking into consideration that the environmental clearance is valid upto 06.03.2024, we permit the petitioner to quarry till 06.03.2024 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. In the meantime, the petitioner has to apply for re-appraisal before the SEIAA with all relevant documents, within a period of two weeks from the date of receipt of a copy of this order.

6. If the petitioner applies for extension of lease, this order will not



W.P.No.29997 of 2023

enure in his favour, for its co-terminus with the DEIAA approval i.e. Till 06.03.2024. 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.

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.)
16.10.2023

Index : Yes / No
Speaking Order : Yes/No
Internet:Yes/No
Neutral Citation: Yes/No
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Page No:7/7