



WEB COPY



W.P.No.30465 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU  
AND  
THE HONOURABLE Mrs.JUSTICE N.MALA

W.P.No.30465 of 2023  
and  
W.M.P.No.30084 of 2023

S.Subramani  
S/o Sellapagounder

.... Petitioner

VS

1. The Chairman,  
Tamil Nadu Pollution Control Board,  
No.76 Mount Salai,  
Guindy,  
Chennai - 600 0032.

2. State Environment Impact  
Assessment Authority,  
No.9, Jeenis Road,  
Saidapet,  
Chennai - 15.03.2023

3. The District Collector,  
Salem District,  
Salem.

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

.... Respondents



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**Prayer:** Writ 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 1.00.00 Hectare, comprised in Survey No.855/1(Part-4), Samapalli Village, Mettur 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/18991/2018-SLM-E.C.No.68/2018 dated 07.12.2018 i.e., 07.03.2024 without insisting environmental clearance appraised by SEIAA.

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

For Respondents : Mrs.Shanmugavallisekar,  
Standing Counsel for R1  
Mr.K.Srinivasamoorthy,  
Standing Counsel for R2  
Mrs.Mythreye Chandru,  
Special Government Pleader for R3 & R4

### **ORDER**

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

This Writ Petition has been filed to issue a Writ of Mandamus to direct the 4th respondent to permit the petitioner herein to carry on quarrying operation in the land 1.00.00 Hectare, comprised in Survey No.855/1(Part-4), Samapalli Village, Mettur Taluk, Salem District, by issuing necessary transport permits until the date of expiry of environmental clearance obtained



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from the District Level Environment impact Assessment Authority vide  
Lr.No.DEIAA-DIA/TN/MIN/18991/2018-SLM-E.C.No.68/2018 dated  
07.12.2018 i.e., 07.03.2024 without insisting environmental clearance  
appraised by SEIAA.

2. The petitioner was granted quarry lease on 08.03.2019 and the same was granted for a period of ten (10) years from 08.03.2019 to 07.03.2029. 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, the clearance granted to the petitioner is valid upto 07.03.2024.

3. 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 1<sup>st</sup> respondent vide Proceedings dated 13.04.2019 and the same is valid till 06.12.2023. 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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4. On account of the fact the re-appraisal was not done by the SEIAA, clearance was not given. Hence the present Writ Petition.

5. 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 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.

6. In the facts and circumstances of the case and considering the submission of the petitioner that the 4<sup>th</sup> 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 1<sup>st</sup> respondent and also taking into consideration that the environment clearance period expires on 07.03.2024, we permit the petitioner to quarry till 07.03.2024, 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



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from the date of receipt of a copy of this order.

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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 07.03.2024. 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.

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.)  
19.10.2023

vsi

Index : Yes / No

Internet : Yes / No

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

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