



WEB COPY



W.P.No.26751 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2023

CORAM

**THE HONOURABLE MRS. JUSTICE J.NISHA BANU
AND
THE HONOURABLE MRS. JUSTICE N.MALA**

**W.P.No.26751 of 2018
and
W.M.P.No.24207 of 2019**

K.Gopinath

..Petitioner

Vs.

1. The Member Secretary,
State Environment Impact Assessment Authority,
Ground Floor Panagal maligai,
No.1, Jeenis Road, Saidapet,
Chennai - 600 015.

2. The Tamil Nadu Pollution Control Board,
Rep. by its Chairman,
No.76, Anna Salai, Guindy,
Chennai - 600 032.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the first respondent to consider the online application for Environmental Clearance made by the petitioner on 08.04.2018 vide online application No.SIA/TN/MIN/23874/2018 and pass order on the same within such time as may be directed by this Court.



W.P.No.26751 of 2018

For Petitioner : Mr.K.S.Viswanathan,
Senior Counsel
for Mr.V.Suthakar

For Respondents : Mr.Venkatesamy Babu
for R1
Mrs.Shabmugavalli Sekar
Standing Counsel for R2

ORDER

This writ petition has been filed to issue a Writ of Mandamus to direct the first respondent to consider the online application for Environmental Clearance made by the petitioner on 08.04.2018 vide online application No.SIA/TN/MIN/23874/2018 and pass orders on the same within such time as may be directed by this Court.

2. The case of the petitioner is that he was granted a quarry lease for quarrying rough stone in government land to an extent of 2.00.0 Ha at S.No.111 (Part-2) of Avaniapuram Village, Vandavasi Taluk, Tiruvannamalai District, Tamilnadu for a period of ten years from 28.06.2010 till 27.06.2020 vide Proceedings dated 28.06.2010 issued by the District Collector, Tiruvannamalai. The Mining Plan was subsequently approved by the authorities on 27.07.2015 for the period 28.06.2015 till 27.06.2020. The Hon'ble Supreme Court by order dated 27.02.2012, passed in the case of Deepak Kumar Vs State of Haryana & others, directed that lease of minor minerals for an area of less than 5 ha. including their renewals can be granted by the State/ Union territory only after



W.P.No.26751 of 2018

obtaining environmental clearance (EC) from the competent authority. The petitioner submitted his proposal for grant of Environment Clearance to the first respondent vide online application dated 08.04.2018. Since the same was not considered, the present writ petition has been filed.

3. Today, when the matter is taken up for hearing, learned counsel appearing for the first respondent would submit that the lease period was granted to the petitioner for 10 years i.e., 28.06.2015 till 27.06.2020. Therefore, the lease period granted to the petitioner has already expired on 27.06.2020.

4. Since the lease period granted to the petitioner has already expired on 27.06.2020, nothing survives for further adjudication in the present writ petition. Therefore, the Writ Petition stands dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
vsi

(J.N.B,J.) (N.M., J.)
03.08.2023

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



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