



W.P.(MD).No.16631 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.11.2023

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).No.16631 of 2021

M/s.Sivam Mines,
Rep.by its Managing Partner,
S.Ilangovan

... Petitioner

Vs.

1.The Union of India,
Rep.by its Secretary to Government,
Ministry of Environment, Forest and Climate Change,
Paryavaran Bhavan, Jor Bagh,
New Delhi-110003.

2.State Environment Impact Assessment Authority,
(SEIAA) Rep.by its Member Secretary,
No.1, Jeenu Road, Panagal Building,
Third Floor, Saidapet,
Chennai-600 015.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the second respondent to grant environmental clearance certificate to the petitioner's quarry without necessitating a public hearing in accordance with the Office Memorandum dated 12.11.2020 as per the petitioner's representation dated 15.12.2020.



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For Petitioner : Mr.K.R.Krishnan

For Respondents : Ms.B.Deepa
Central Government Standing Counsel
for R1
Mr.N.Dilipkumar,
Standing counsel for R2

ORDER

This Writ Petition has been filed for issuance of a writ of Mandamus, directing the second respondent to grant Environment Clearance Certificate to the petitioner without conducting a public hearing.

2. The petitioner has relied upon the Office Memorandum, dated 12.11.2020 in order to sustain the relief sought for in this Writ Petition. On carefully going through the same, it is seen that wherever public hearing is required, it should be undertaken and the facts must be brought before the general public and only thereafter, the Environment Clearance Certificate should be granted.

3. In the instant case, the petitioner is intending to carry out quarry operations and according to the petitioner, the same falls under B2 Category.



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4. The nature of work that is going to be carried out by the petitioner definitely requires a public hearing, since the petitioner is going to carry out quarry operations. Therefore, before Environment Clearance Certificate is given, the procedure has to be followed. The petitioner cannot seek for exemption of public hearing merely on the basis that the Clearance is pending for more than five years from the year 2018.

5. In view of the above, the relief sought for by the petitioner cannot be granted by this Court.

6. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

07.11.2023

Index : Yes/No
Internet : Yes/No
ssb



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N.ANAND VENKATESH.J.,

ssb

**Order made in
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**Dated :
07.11.2023**