



WEB COPY

W.P.No.4467 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.4467 of 2021

V.Anandan

... Petitioner

Vs.

1. The Member Secretary,
State Level Environmental Impact – Assessment Authority,
3rd Floord, Panagal Building,
Saidapet, Chennai – 600 015.
2. The Commissioner / Director of Geology and Mining,
Guindy, Chennai – 600 002.
3. The District Collector,
Krishnagiri District, Krishnagiri.
4. The Assistant Director (Additional Charge),
Department of Geology and Mining,
Krishnagiri.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relevant to the order in Roc.No.650/2009/Mines dated on 11.12.2020 passed by the 3rd respondent and quash the same as illegal, improper and against the natural justice and thereby directing the respondents to grant Environment Clearance and extend the lease period of five years for quarrying Rough



Stones, Jelly bearing in S.No. 346 (Part), 353, 354/2, Osapuram Village,
Denkanikottai Taluk, Krishnagiri District to an extent of 2.02.5 Hectares.

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For Petitioner	: Mr.L.Chandrakumar Senior Counsel for Mr.B.Sundarapandiyam
For R1	: Mr.V.Chandrasekaran, Special Government Pleader
For R2 to R4	: Mr.E.Vijay Anand, Additional Government Pleader

ORDER

The order impugned dated 11.12.2020 would indicate that the lease period granted to the petitioner for mining rough stone at Osapurma Village, Hosur Taluk, Krishnagiri District, expired on 10.01.2020.

2. The request of the petitioner to extend the lease for the left out period was rejected in the impugned order. Thus, the writ petition came to be instituted.

3. Mr.L.Chandra Kumar, learned Senior Counsel for the petitioner would submit that the similar cases were earlier considered by this Court.



However, the authorities are bound to decide the issues based on the Statutes and Rules in force. Certain discretionary orders need not be followed as a precedent and each case is to be decided on its own merits and by applying the provisions of the Act and Rules.

4. Admittedly, the petitioner has preferred an Appeal before the Director, Department of Geology and Mining on 09.01.2021, which is now pending. The learned counsel for the petitioner would submit that it is suffice, if a direction is issued to dispose of the said appeal.

5. In view of the said submission, the 2nd respondent is directed to dispose of the Appeal submitted by the writ petitioner on 09.01.2021 on merits and in accordance with law as expeditiously as possible preferably within a period of 12 weeks from the date of receipt of a copy of this order. The petitioner is directed to communicate one more copy of the appeal along with the present order passed in this writ petition to the 2nd respondent.



6. With the above directions, this Writ Petition stands disposed of. No costs.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

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S.M.SUBRAMANIAM, J.

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