



W.P.No.13488 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.13488 of 2023

R.Munirathinam

... Petitioner

Vs.

1.The Chairman,
State Environment Impact Assessment Authority,
No.1, Jeenis Road,
Panagal Building,
Saidapet,
Chennai – 600 015.

2.The Deputy Director
Department of Geology and Mining,
Salem,
Salem District.

3.The District Collector
Salem District,
Salem.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the first respondent culminating in the proceedings in Agenda No.330-11 of the meeting dated 17.11.2022, and to quash the same and



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consequently direct the first respondent herein to recommend for grant

of lease to the petitioner herein to quarry rough stones and gravel in the lands in S.F.No.252/1, 252/2, 252/3 of Vepillai Village, Kadayampatti Taluk, Salem District.

For Petitioner : Mr.D.Selvaraju
For Respondents : Mr.Venkatasamy Babu for R1
Senior Panel Counsel
Mr.Stalin Abimanyu for R2 and R3
Additional Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records of the first respondent culminating in the proceedings in Agenda No.330-11 of the meeting dated 17.11.2022, and to quash the same and consequently direct the first respondent to recommend for grant of lease to the petitioner to quarry rough stones and gravel in the lands in S.F.No.252/1, 252/2, 252/3 of Vepillai Village, Kadayampatti Taluk, Salem District.

2.The case of the petitioner is that the petitioner made



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application to the respondents for grant of lease to quarry rough stones and gravel in the lands in S.F.No.252/1, 252/2, 252/3 of Vepillai Village, Kadayampatti Taluk, Salem District and the same was rejected by the respondents. Hence this writ petition.

3.The learned counsel appearing for the petitioner submitted that the respondents did not properly adjudicate the issue and mechanically rejected the application of the petitioner on the ground that the lands are situated approximately at a distance of 460 metres from the Thoppaiyaru Reservoir and in the Manakondamalai area which is rich in eco system. The learned counsel further submitted that already the Forest Department and the Tamil Nadu Pollution Control Board consented for grant of lease to the petitioner, however, the same was not considered by the respondents.

4.The learned Senior Panel Counsel appearing for the first respondent submitted that as against the proceedings of the first respondent, there is effective remedy available to the petitioner before the National Green Tribunal and instead of approaching the National Green Tribunal, the petitioner has approached this Court by filing this writ petition, which is not sustainable one.



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5.Heard the arguments advanced on either side and perused the materials available on record.

6.The facts in the present case is not in dispute. It appears that as against the proceedings of the first respondent, there is effective remedy available to the petitioner before the National Green Tribunal. Hence, this Court is not inclined to render any opinion on the merits of the case since rendering any opinion on the merits of the case will adversely affect the interest of the parties. This Court grants liberty to the petitioner to approach the National Green Tribunal as against the impugned proceedings, for appropriate remedy. The period during which the writ petition was pending before this Court is excluded for the purpose of limitation.

7.The writ petition is dismissed with the above liberty. No costs.

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Note: If the petitioner has filed the original impugned proceedings, Registry is directed to return the original impugned proceedings to the learned counsel appearing for the petitioner so as to enable the petitioner to approach the National Green Tribunal.

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

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