



WP.No.13267 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

WP.No.13267 of 2024
WMP.No.14407 of 2024

S.Jagankumar

Petitioner

Vs

1. The Secretary to Government, Government of Tamil Nadu
Industries Department, Fort St.George, Chennai-9
2. The Secretary to Government, Government of Tamil Nadu
Department of Environment, Forests and Climate Change Department
Fort St.George, Chennai-9
3. The Member Secretary, State Level Environment Impact Assessment
Authority, Panagal Maligai, Jeenis Road, Saidapet, Chennai-15
4. The Tamil Nadu Pollution Control Board by its Member Secretary
76, Mount Salai, Guindy, Chennai-32
5. The Commissioner, Department of Geology and Mining
Guindy, Chennai-32
6. The District Collector/Chairman District Monitoring Committee
Tiruvallur 602101
7. The Assistant Director, Department of Geology and Mining,
Thiruvallur 602101
8. The Revenue Divisional Officer, Ponneri, Thiruvallur District
9. A.Shankar, M/s.Vee Kay Enterprises, Chennai-40



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10. The Principal Chief Conservator of Forests/Head of Forest Force,
Tamil Nadu Forest Department, Guindy, Chennai-32

11. Wildlife Warden, Wildlife Division, Guindy Children's
Park Campus, Chennai-22

Respondents

Prayer:- This Writ Petition has been filed, under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the 3rd Respondent, relating to the order dated, 02.05.2024, bearing No.SEIAA-TN/F.No.7346/LEGAL-08/2024 and to quash the same and to direct the 3rd Respondent to assess the distance between the proposed quarrying site and the Pulicat Bird Sanctuary using technical experts available with the Ministry of Environment and Forest.

For Petitioner : Mr.A.Yogeshwaran

For Respondents : Mr.Stalin Abhimanyu-AGP-RR1,2,5 to 7
Mr.V.Chandrasekaran, SPC-R3
Mrs.Shanmugavalli Sekar-Standing Counsel-R4
Mr.S.V.Vijay Prashanth-R9
RR8, 10 and 11- No Appearance

ORDER

(Order of the Court was made by S.S.SUNDAR, J.)

1. This Writ Petition is filed to issue a Writ of Certiorarified Mandamus to call for the records of the 3rd Respondent, relating to the order dated, 02.05.2024, bearing No.SEIAA-TN/F.No.7346/LEGAL-08/2024 and to quash the same and to direct the 3rd Respondent to assess the distance between the proposed quarrying site and the Pulicat Bird Sanctuary using technical experts available with the Ministry of Environment and Forest.
2. This Court heard the learned counsel for the Petitioner and the learned counsel for the Respondents 1 to 7.
3. Earlier the Petitioner has filed a Writ Petition, challenging the mining activities of the 9th Respondent, who has got licence to quarry in the property owned by him. It appears that the Petitioner's contention in the earlier Writ



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Petition is that the mining operation is done within 10 kms from the Pulicat Bird Sanctuary. The 3rd Respondent has now passed an order, confirming that the mining operation of the 9th Respondent is beyond the prohibited distance of 10 kms from Pulicat Bird Sanctuary. Since the Petitioner is now challenging the factual findings of the 3rd Respondent, this Court finds that it is unnecessary to entertain this Writ Petition. However, the Petitioner is given liberty to raise all his contentions before the Court in the earlier Writ Petition with sufficient proof to show that the findings with regard to the distance in the impugned order is not true.

4. With the above directions, this Writ Petition is dismissed. No costs.

Consequently, the connected WMP is closed.

(S.S.S.R.J.) & (N.S.J.)
05.06.2024

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Neutral Citation
Srcm



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S.S.SUNDAR, J.
and
N.SENTHILKUMAR, J.

Srcm

To

1. The Secretary to Government, Government of Tamil Nadu
Industries Department, Chennai-9
2. The Secretary to Government, Government of Tamil Nadu
Department of Environment, Forests and Climate Change Department
Chennai-9
3. The Member Secretary, State Level Environment Impact Assessment
Authority, Saidapet, Chennai-15
4. The Tamil Nadu Pollution Control Board by its Member Secretary
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5. The Commissioner, Department of Geology and Mining
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7. The Assistant Director, Department of Geology and Mining
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