



WEB COPY



W.P.No.17242 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.17242 of 2021

S.Suseela

... Petitioner

Vs.

Member Secretary,
Tamil Nadu State Environment Impact Assessment Authority,
Panagal Maligai, Jeenis Road,
Saidapet, Chennai - 600015.

... Respondent

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondent to consider the petitioner's application for Environmental Clearance dated 31.08.2015.

For Petitioner : Mr.S.Nithyavendhan

For Respondent : Mr.K.Srinivasa Murthy,
Standing Counsel.

ORDER

The relief sought for in the present writ petition is to direct the respondent to consider the petitioner's application for Environmental Clearance dated 31.08.2015.



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2. In respect of the said application of the year 2015, High Court cannot issue any direction since the terms and conditions have been altered and updated based on the Government policy and the orders of the Hon'ble Supreme Court and High Courts. Therefore, the application dated 31.08.2015 cannot be the basis for issuing a direction to given environmental clearance now after a lapse of eight years.

3. The learned Standing Counsel for the respondent, Mr.K.Srinivasa Murthy, would submit that the Authority decided to issue ToR with Public Hearing as per the orders of this Hon'ble High Court dated 13.10.2017 in W.P.No.11189 of 2017, for considering the mining period from 2018-19 onwards only for the preparation of EIA report along with additional ToR. Accordingly, amendment to the Terms of Reference was issued by SEIAA-TN vide Letter No.SEIAA-TN/F-3818/SEAC – CXVIII/TOR – 489(A)/2018 Dt.30.07.2018. The proponent has to comply with the Terms of Reference issued by SEIAA TN on 30.07.2018. The Proponent has to get necessary Environment Impact Assessment Report(EIA) along with Public Hearing and submit the same along with the necessary documents to SEIAA-TN through PARIVESH (web portal) under violation. Upon receipt of the same, SIEAA-TN would consider and



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pass necessary orders with regard to the Environment Clearance till date the proponent has failed to comply with the above.

4. In view of the above submission the relief as such sought for cannot be granted. However, the petitioner is at liberty to submit a fresh application, if they require any such Environmental Clearance from the respondent, in accordance with law.

5. Accordingly, the writ petition stands disposed off. However, there shall be no order as to costs.

09.02.2024

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)

To

Member Secretary,
Tamil Nadu State Environment Impact Assessment Authority,
Panagal Maligai, Jeenai Road,
Saidapet, Chennai - 600015.



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S.M.SUBRAMANIAM. J.,

(sha)

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