



W.P.No.32841 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.32841 of 2022

M.Rajendran

.. Petitioner

Vs.

1. The District Collector
Mayiladuthurai.

2. Assistant Director
Geology and Mining
Nagapattinam/Mayiladuthurai.

3. State Environment Impact Assessment
Authority, Tamil Nadu
Rep. by Member Secretary
3rd Floor, Panagal Maaligai
No.1, Jeenis Road, Saidapet
Chennai 600 015.

4. M/s. Oriental Structural Engineering Pvt Ltd.
Rep. by its Managing Director
Commercial Block – Asset 5B Aero City
Hospitality District, IGI Airport
New Delhi 110 037.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorari to quash the order of the 2nd respondent in R.C.No.33/Mines/2022 dated 23.06.2022 in granting mining plan, to an extent of 4.24.94 hectares, in favour of the 4th respondent for mining earth.

For the Petitioner : Mr.S.Kamalesh Kannan

For the Respondents : Mr.A.Edwin Prabakar
State Government Pleader
for Respondents 1 & 2

Mr.Venkataswamy Babu
for Respondent-3

Mr.R.Swarnavel
for Respondent-4

ORDER

(Made by the Hon'ble Chief Justice)

We have heard Mr.S.Kamalesh Kannan, learned counsel for the petitioner, Mr.A.Edwin Prabakar, learned State Government Pleader for the respondents 1 and 2, Mr.Vekataswamy Baby, learned counsel for the third respondent and Mr.R.Swarnavel, learned counsel for the fourt respondent.



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2. The petitioner is challenging the order dated 23.06.2022 granting mining plan in favour of the fourth respondent to mine earth.

3. Learned counsel for the petitioner submits that the same is not in consonance with the judgment of the Apex Court in the case of *Deepak Kumar v. State of Haryana [(2012) 4 SCC 629]*.

4. Learned counsel further submits that in a recent judgment in *Noble M.Paikada v. Union of India [Civil Appeal Nos.1628 & 1629 of 2021 dated 31.03.2024]*, the Supreme Court struck down item 6 of the notification dated 28.03.2020 and item 6 of the amended impugned notification dated 30.08.2023.

5. It is not disputed that the quarrying activities on the subject writ land are not taking place. Naturally the respondents now would be bound by the judgment of the Apex Court in *Noble M.Paikada* (supra).

6. As the quarrying activity is not taking place on the subject



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writ site now, no purpose would be served in keeping the writ pending.

7. In case, in future, the quarrying activity is resorted to on the subject writ site, without following due process of law, then, the petitioner is at liberty to agitate afresh.

8. The writ petition is disposed of. There shall be no order as to costs. Consequently, W.M.P.No.32248 and 32250 of 2022 are closed.

(S.V.G., CJ.)

(J.S.N.P., J.)

24.04.2024

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

1. The District Collector
Mayiladuthurai.
2. Assistant Director
Geology and Mining
Nagapattinam/Mayiladuthurai.
3. The Member Secretary



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THE HON'BLE CHIEF JUSTICE
AND
J.SATHYA NARAYANA PRASAD, J

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