



W.P.(MD)No.9185 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.12.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.9185 of 2023
and
W.M.P.(MD)No.8289 of 2023

Gurusamy

/Vs./

... Petitioner

1. The Secretary
Ministry of Environment, Forest and Climate
Change, Government of India, Indira
Paryavaran Bhawan Jorbagh Road,
New Delhi- 110 003.
2. The Secretary
Environment, Forest and Climate Change
Department Secretariat, Fort.St.George,
Chennai- 600 009.
3. The Secretary
Industries, Investment Promotion and
Commerce Department, Secretariat, Fort. St.
George, Chennai- 600 009.
4. The Commissioner of Geology
and Mining, Industrial Estate, Guindy,
Chennai- 600 032.
5. The Chairman
State Level Environment Impact Assessment



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Authority, Panagal Building, Jennies Road,
Saidapet, Chennai- 600 015.

6. The Chairman
State Expert Appraisal Committee, Ground
Floor, Panagal Building, No.1, Jennies Road,
Saidapet, Chennai- 600 015.
 7. The District Collector
Virudhunagar, Virudhunagar District.
 8. The Assistant Director
Geology and Mining, Collectorate Building,
Virudhunagar District.
 9. The Revenue Divisional Officer,
Sattur Division, Sattur,
Virudhunagar District.
 10. The Thasildar
Vembakottai Taluk, Sattur Division,
Virudhunagar District.
- ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order by the 6th respondent vide impugned Agenda No. 280-12 in File No. 9001 of 2022 its 280th meeting of SEAC held on 02.06.2022 and the consequential impugned order passed by the 5th respondent in Agenda No.12 of SEIAA in file No. 9001 vide its 526th meeting held on 30.06.2022 and quash the same as illegal arbitrary and in violation of the provisions of the Tamil Nadu Minor Mineral Concession Rules 1959 and consequently directing the 5th and 6th



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respondents to issue environmental clearance for the mining plan /project approved by the 8th respondent in his proceedings vide Roc.No.KV1/026/2021 dated 28.12.2021.

For Petitioner : Mr. T.LAjapathi Roy, Senior Counsel

For Respondents : Mr.M.Senthil Ayyanar

Government Advocate for R -4 & 7-10

: Mr.N.Dilip Kumar for R5 & 6

ORDER

This writ petition has been filed challenging the order passed by the sixth respondent dated 02.06.2022 and the consequential order passed by the fifth respondent dated 30.06.2022, thereby rejected the request made by the petitioner, for issuance of Environmental Certificate for mining project approved by the eighth respondent.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.



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3. The petitioner owned land comprised in S.Nos. 818/1 (0.83.0 Hectares), 818/2 (0.69.5 Hectares), 818/3 (0.39.5 Hectares), 818/5 (0.79.5 Hectares), 818/7 (0.31.5 Hectares), 818/8 (0.37.5 Hectares), 837/1 (0.87.0 Hectares), 837/2 (0.13.5 Hectares), 837/3 (0.12.0 Hectares) totally measuring to an extent of 4.53.0 Hectares situated at Kangarakottai Village, Vembakottai Taluk, Virudhunagar District. It has been licensed to quarry rough stone, jelly and gravel in the land ad-measuring 3.18.5 Hectares comprised in S.Nos.818/1 (0.83.0 Hectares), 818/2 (0.69.5 Hectares), 818/3 (0.39.5 Hectares), 818/5 (0.79.5 Hectares), 818/7 (0.18.5 Hectares), 818/8 (0.37.5 Hectares) of Kangarakottai Village, Vembakottai Taluk, Virudhunagar District for a period of five years by the proceedings dated 03.03.2011. He had operated to quarry up to the year 2016. Thereafter, he left the land abandoned. Therefore, the petitioner had entered into an agreement on 31.10.2020 for a period of 12 years to continue the quarry operation. Thereafter, the petitioner submitted an application on 12.01.2024 to quarry rough stone, jelly and gravel in the land S.Nos.818/1, 818/2, 818/3, 818/5, 818/7, 818/8, 837/1, 837/2 and 837/3. The tenth respondent by its report dated 09.07.2021 forwarded his recommendation for quarry



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to an extent of 3.84.0 Hectares comprised in seven survey numbers, in S.Nos.818/1, 818/2, 818/3, 818/5, 837/1, 837/2 and 837/3, thereby, the ninth respondent did not recommend to quarry operations in the land comprised in S.No.818/5. Therefore, the petitioner based on the recommendations forwarded by the ninth respondent, submitted mining plan before the eighth respondent. The eighth respondent by its proceedings dated 28.12.2021 approved the same for mining plan. Thereafter, the petitioner submitted application before the first respondent for Environmental Clearance. The sixth respondent vide Agenda No.280-12 in file No.9001/2022 its 280th meeting of SEAC held on 02.06.2022, thereby resolved not to recommend the quarrying project under the provisions of Indian Explosives Act, 1884 and Mines and Minerals (Development and Regulations) Act, 1961 and also passed the order dated 30.06.2022.

4. The learned Senior Counsel appearing for the petitioner submitted that after rejection of Environmental Clearance Certificate, the petitioner again submitted application for Environmental Clearance, to quarrying rough stone and gravel in respect of the property comprised in



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S.Nos.818/1, 818/2, 818/3, 837/1, 837/2 and 837/3 situated at Kangarakottai Village, Vembakottai Taluk, Virudhunagar District, after excluding the objectionable land and prayed the same may be considered afresh.

5. Considering the above submissions, the respondents 5 & 6 are directed to consider the representation submitted by the petitioner seeking Environmental Clearance Certificate insofar as the S.Nos.818/1, 818/2, 818/3, 837/1, 837/2 and 837/3 situated at Kangarakottai Village, Vembakottai Taluk, Virudhunagar District, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition stands disposed of.
No costs. Consequently, connected Miscellaneous Petition is closed.

06.12.2024

Internet : Yes/No
NCC : Yes / No
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G.K.ILANTHIRAIYAN, J.

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Order made in
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Dated:
06.12.2024