



W.A.(MD)Nos.996, 1121 and 1130 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD)Nos.996, 1121 and 1130 of 2024
and
C.M.P.(MD)Nos.7213, 8535 and 8625 of 2024**

W.A.(MD)No.996 of 2024:-

- 1.The Secretary to Government of Tamil Nadu,
Natural Resources Department,
Secretariat, Chennai - 9.
- 2.The Commissioner of Geology and Mining,
Thiru Vi.Ka. Industrial Estate
Guindy, Chennai – 32.
- 3.The District Collector,
Office of the District Collector,
Theni District.
- 4.The Assistant Director,
Geology and Mining,
Office of the District Collector,
Theni.

... Appellants

-VS-

Ariyamalai

... Respondent

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W.A.(MD)Nos.996, 1121 and 1130 of 2024

PRAYER: Writ Appeals filed under Clause 15 of the Letters Patent, to set aside the order dated 14.03.2024, passed in W.P.(MD)No.6173 of 2024.

For Appellants : Mr.Veera.Kathiravan
Assisted by
Mr.S.R.A.Ramachandran
Additional Government Pleader

For Respondent : Mr.B.Saravanan
Senior Counsel
for Mr.C.Jeganathan

W.A.(MD)No.1121 of 2024:-

- 1.The Commissioner of Geology and Mining,
Thiru Vi.Ka. Industrial Estate
Chennai.
- 2.The District Collector,
Theni, Theni District.
- 3.The Assistant Director,
Department of Geology and Mining,
Theni District.

... Appellants

-vs-

R.Murugesan

... Respondent

PRAYER: Writ Appeals filed under Clause 15 of the Letters Patent, to set aside the order dated 02.04.2024, passed in W.P.(MD)No.4037 of 2024.



WEB COPY

For Appellants

: Mr. Veera.Kathiravan
Assisted by
Mr.S.R.A.Ramachandran
Additional Government Pleader

For Respondent

: Mr.B.Saravanan
Senior Counsel
for Mr.S.Ram Sundar Vijayraj

W.A.(MD)Nos.996, 1121 and 1130 of 2024

W.A.(MD)No.1130 of 2024:-

- 1.The Secretary to Government of Tamil Nadu,
Natural Resources Department,
Secretariat, Chennai - 9.
- 2.The Commissioner of Geology and Mining,
Thiru Vi.Ka. Industrial Estate
Guindy, Chennai – 32.
- 3.The District Collector,
Office of the District Collector,
Theni District.
- 4.The Assistant Director,
Geology and Mining,
Office of the District Collector,
Theni.

... Appellants

-VS-

Ariyamalai

... Respondent

PRAYER: Writ Appeals filed under Clause 15 of the Letters Patent, to set aside the order dated 14.03.2024, passed in W.P.(MD)No.6170 of 2024.



WEB COPY

For Appellants

: Mr. Veera.Kathiravan
Assisted by
Mr.S.R.A.Ramachandran
Additional Government Pleader

For Respondent

: Mr.B.Saravanan
Senior Counsel
for Mr.C.Jeganathan

W.A.(MD)Nos.996, 1121 and 1130 of 2024

COMMON JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

Though the appeals are directed against the order of the learned Single Judge, directing extension of the lease granted to the respondents to quarry, which was expired on 14.12.2022, 08.02.2023 and 14.12.2022, respectively, on their applications, the Commissioner of Geology and Mining granted an extension from 13.03.2023 to 12.03.2025, 09.02.2023 to 08.05.2024 and 13.03.2023 to 12.03.2025, respectively. The extension operated and the respondents were allowed to quarry till 31.12.2023. Thereafter, transport permits were stopped, which forced the respondents to approach this Court.

2. The learned Single Judge directed issuance of permits. It is these orders that are subject matter of challenge in the Writ Appeals.



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3. Mr.Veera.Kathiravan, learned Additional Advocate General appearing for the State would point out that though the State is ready and willing to comply with the order of the learned Single Judge, it is facing a difficulty because of a subsequent Notification issued by the Ministry of Environment, Forest and Climate Change, pursuant to a judgment of the National Green Tribunal, made in O.A.No.142 of 2022 on 18.04.2024. The National Green Tribunal, by it's judgment, had declared that all clearances granted by the District Environment Impact Assessment Authority after 12.12.2018 are illegal and the mining pursuant to such Environmental Clearance Certificate have to be stopped immediately. In case, where the clearances have been granted prior to 11.12.2018, a re-appraisal has to be done by the State Level Environmental Impact Assessment Authority. If no re-appraisal is done by 07.11.2024, such mining leases will not be allowed to operate.

4. The learned Additional Advocate General would submit that if the respondents are able to get an Environmental Impact Clearance from the State Level Environmental Impact Assessment Authority, the State would permit them to quarry for the balance period that will be available to them from the date on which they are allowed to quarry.



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5. Mr.B.Saravanan, learned Senior Counsel appearing for the respondents would, however, submit that the Environmental Impact Assessment Certificate issued by the District Environment Impact Assessment Authority would be valid on the date when the order of the Writ Court was pronounced. But, due to a subsequent judgment of the National Green Tribunal, the situation has arisen, wherein the respondents are now under disadvantage of getting another Environmental Impact Clearance Certificate. The same cannot be avoided. Therefore, the Writ Appeals are disposed of with the direction that the State will grant extension and allow the respondents to quarry for the balance period and the balance period will commence from the date on which the respondents are allowed to quarry on their submitting Environmental Clearance Certificate from the State Level Environmental Impact Assessment Authority. No costs. Consequently, connected Miscellaneous Petitions are closed.

NCC : No
Index : No
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[R.S.M., J.] [L.V.G., J.]
28.10.2024



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To

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W.A.(MD)Nos.996, 1121 and 1130 of 2024

R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

smn2

Common Judgment made in
W.A.(MD)Nos.996, 1121 and 1130 of 2024

28.10.2024