



Cont.P(MD)No.1624 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2024

CORAM:

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

**Cont.P(MD)No.1624 of 2024
in
W.P(MD)No.30038 of 2023**

S.P.J.Sundararajan

... Petitioner/Petitioner

-VS-

Mr.A.R.Rahul Nadh, I.A.S.,
Member Secretary,
State Level Environment Impact Assessment Authority,
III Floor, Panagal Maligai,
No.1, Jeenis Road,
Saidapet,
Chennai – 600 015.

... Contemnor/Respondent No.4

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the contemnor/respondent No.4 for the willful disobedience and violating the orders of this Court in W.P(MD)No.30038 of 2023, dated 18.12.2023.

For Petitioner : Mr.V.Kannan

For Respondent : Mr.N.Dilipkumar



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ORDER

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

Mr.N.Dilipkumar, learned counsel takes notice for the respondent.

2. The complaint of the petitioner is that the order of this Court dated 18.12.2023 made in W.P(MD)No.30038 of 2023, has been disobeyed. Operative portion of the order dated 18.12.2023 reads as follows:

11. *In the light of the narrative discussion and dispositive reasoning thus far the following order is made:*

a) the fourth respondent viz., State Level Impact Assessment Authority shall take a decision as regards clearance for grant of stone quarry permission / license in said land ie., S.Nos.450, 451, 452 and 453 in Kattalangulam Village, Thoothukudi Taluk, Thoothukudi District (Patta No.3424) after fully considering said representation of PIL petitioner. To be noted, for the sake of convenience, we deem it appropriate to extract and reproduce the said representation ie., representation dated 11.01.2023 and the same is as follows:

(Extract omitted)



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b) the fourth respondent ie., SLEIAA while considering the aforementioned representation shall give adequate and ample opportunity to respondents 10 and 11 (private respondents) to meet all the points that have been raised in the said representation;

c) The fourth respondent ie., SLEIAA shall consider the matter on its own merits and in accordance with law and all that we have said is the said representation of PIL petitioner shall also be taken into account in addition to other parameters / determinants while taking a decision regarding clearance;

d) Though obvious for the sake of abundant clarity and specificity, we make it clear that we are not expressing any view or opinion on the merits of the matter and the floor is clear for SLEIAA to decide on clearance on its own merits and in accordance with law albeit taking into account the said representation ie., 11.01.2023 representation in the aforesaid manner, after giving adequate opportunity to respondents 10 and 11. This Court is informed that all clearance of fourth respondent ie., SLEIAA are uploaded in its official website and the same will obviously apply to the case on hand. Though obvious in the light of provisions of Tamil Nadu Minor Mineral Concession Rules, 1959, we make it clear that grant of permission / license for stone quarry in said land by seventh respondent (if that be so) shall be post clearance by SLEIAA.



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3. It is not in dispute that environmental clearance has been granted. It is the case of the petitioner that his objections have not been considered. Now that permission has been granted by the Environmental Clearance Authority, we find no cause for contempt. Hence, leaving it open to the petitioner to agitate the correctness of the grant, this contempt petition is dismissed.

[R.S.M., J.]

[L.V.G., J.]

09.08.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

PM

To

The Member Secretary,
State Level Environment Impact Assessment Authority,
III Floor, Panagal Maligai,
No.1, Jeenis Road,
Saidapet,
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