



W.P(MD)No.20675 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD).No.20675 of 2022

and

W.M.P(MD).Nos.14991, 14992 and 14993 of 2022

V.Muthaiah

... Petitioner

Vs

1. The Chairman,
The State Level Environment Impact
Assessment Authority-Tamilnadu,
3rd Floor, Panagal Maaligai,
No.1, Jennis Road, Saidapet,
Chennai 600 015.

2. The Member Secretary,
The State Level Environment Impact
Assessment Authority-Tamilnadu,
3rd Floor, Panagal Maaligai,
No.1, Jennis Road, Saidapet,
Chennai 600 015.

3. The Assistant Director of Geology and Mining,
Tenkasi, Tenkasi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,



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praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records in rejecting the request of granting Environmental Clearance Certificate on the file of the Respondents 1 and 2 in File No. 8918/2021 dated 27.05.2022 and Agenda No. 278-9 in pursuance to the recommendation as made by the 3rd respondent in File No. Rc. No. M1/ 9566/2021 dated 13.09.2021 and quash the same and consequently direct the 1st and 2nd respondents to issue Environmental Clearance Certificate to the project of the petitioner forthwith.

For Petitioner : Mr.S.Palani Velayutham

For Respondents : Mr.S.Shanmugavel

Additional Government Pleader

ORDER

Heard both sides.

2.The petitioner wants to run quarry in his patta land. The petitioner had to obtain Environmental Clearance. The petitioner's application was



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rejected by the authority on the ground that it is located within 60 meters from rice mill. Challenging the same, the present writ petition came to be filed.

3. On the last occasion, this Court had indicated that if the petitioner filed an undertaking affidavit to close down the mill, his request will be considered.

4. Accordingly, the petitioner has undertaken before this Court that he would close down the mill so long as the quarry lease is in operation. In other words, the undertaking of the petitioner is to the effect that the rice mill will not be operated when the quarry lease is also in operation. Since this is the only ground, on which the petitioner's request was earlier rejected, the petitioner is permitted to submit a fresh application before the second respondent. It shall be favorably considered and environmental clearance issued, if there is no other statutory or legal impediment. The second respondent is of course entitled to stipulate conditions. This exercise shall be completed within a period of eight weeks, from the date of receipt of the application from the petitioner.



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5.This writ petition is allowed on the aforesaid terms. No costs.

Consequently, the connected miscellaneous petitions are closed.

26.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

LR

To

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G.R.SWAMINATHAN, J.

LR

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