



W.P.(MD)No.19714 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.19714 of 2024
and WMP(MD)No.16703 of 2024

P.Sugumaran

... Petitioner

Vs.

1. The Principal Secretary to the Government,
Department of Geology and Mining,
Secretariat, Fort St.George,
Chennai - 600 009.

2. The Commissioner,
Department of Geology and Mining,
Guindy, Chennai - 600 032.

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

4. The District Collector,
Tenkasi District,
Collectorate,
Tenkasi - 627 811.

5. The Tahsildar,
Sivagiri Taluk,
Tenkasi District.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 3 and 4 to process petitioner's application dated 29.06.2002 for issuance of brick kiln license based on the recommendation of the 5th respondent and issue a License within a time frame stipulated by this Court.

For Petitioner : Mr.S.R.Rajagopal
Senior Counsel
for Mr.A.S.Vaigunth
For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

This writ petition has been filed for issuance of a direction to the respondents 3 and 4 to process the petitioner's application dated 29.06.2002 for issuance of brick kiln license based on the recommendation of the 5th respondent and issue a License within a time frame stipulated by this Court.

2. Heard the learned counsel for the petitioner and perused the materials available on record.



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3. It is the grievance of the petitioner that the petitioner's application is still pending with the 4th respondent without any orders being passed, when the petitioner satisfied all the parameters required to run the old brick kiln. Hence, the petitioner seeks a direction.

4. The learned Special Government Pleader for the respondents submitted that though the application is pending, the petitioner is not produced any environmental clearance certificate.

5. The learned Senior Counsel for the petitioner submitted that in so far as the old brick kiln is concerned, obtaining environmental clearance is not at all arise and it is exempted by MoEF&CC(Ministry of Environment, Forest and Climate Change) vide notification dated 22.02.2022.

6. At any event, it is for the authorities to consider the application and pass an order and if the petitioner satisfies all the parameters required for issuance of the licence, then the application has to be considered on its own merits and pass orders within a period of one month from the date of receipt of a copy of this order.



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7. With the above direction, this writ petition is disposed of. No Costs.

Consequently, connected miscellaneous petition is closed.

19.08.2024

NCC : Yes/No
Index : Yes/No
P JL

To

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N.SATHISH KUMAR, J.

PJL

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