



W.P(MD)No.27847 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.12.2024

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.27847 of 2022

and

W.M.P(MD)Nos.21935 & 21936 of 2022

G.Cicily

... Petitioner

Vs

1.The District Collector,
Kanyakumari District,
Kanyakumari.

2.The Assistant Director,
Department of Geology and Mining,
Collectorate,
Kanyakumari District.

3.The Chairman,
State Level Environmental
Assessment Authority,
3rd Floor, Panagal Maligai,
No.1 Jeenis Road,
Saidapet,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned minutes of 471st meeting of the third respondent held on 20.10.2021 in so far as relates to Sl.No.2 relate to the petitioner and quash the same and consequently direct the first respondent to grant lease to the petitioner to conduct rough stone quarry in petitioner's Patta land bearing S.F.No.856/1 of



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Mecode Village, Kalkulam Taluk, Kanyakumari District on the basis of the environmental clearance issued to the petitioner dated 02.03.2016 by considering the petitioner's application dated 06.05.2008 and representation dated 24.09.2022.

For Petitioner : Mr.M.Vallinayagam
Senior Counsel
for Mr.M.Gnanagurnathan

For RR 1 & 2 : Mr.D.Gandhi Raj
Special Government Pleader

For R – 3 : Mr.N.Dilip Kumar

ORDER

This Writ Petition has been filed by the petitioner challenging the minutes of the third respondent resolved in 471 in its first meeting held on 20.10.2021 insofar as it relates to Sl.No.2 in respect of the petitioner, as per the notification issued by the Ministry of Environmental Forest and notification dated 12.04.2022.

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



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3.In view of the notification, dated 12.04.2022, Ministry of Environment Forest and Climate Change, the prior environmental clearance granted for an existing new project shall be counted from the date of the mining lease.

4.In the case on hand, though the petitioner was granted all No Objection Certificates and environmental clearance, the mining lease was not executed in favour of the petitioner. Therefore, the petitioner is at liberty to make a fresh application before the third respondent, within a period of two weeks from the date of receipt of a copy of this order. The third respondent is directed to consider the application submitted by the petitioner seeking Environmental Clearance certificate in the light of notification, dated 12.04.2022, Ministry of Environment Forest and Climate Change, within a period of twelve weeks thereafter. After issuance of the Environmental Clearance certificate, the first respondent is directed to consider the case of the petitioner for execution of the mining lease agreement, in accordance with law.



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5.With the above directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

12.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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To

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G.K.ILANTHIRAIYAN, J.

ps

Order made in
W.P(MD)No.27847 of 2022

12.12.2024