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W.P.(MD)No.23412 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2024

CORAM:

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

**W.P.(MD)No.23412 of 2024
and
W.M.P.(MD)No.19821 of 2024**

S.P.Muthu Raman

... Petitioner

-VS-

- 1.The Secretary,
Ministry of Environment,
Forest and Climate Change,
Indira Paryavaran Bhawan,
Jorbagh Road,
Aliganj,
New Delhi-110 003.
- 2.The Member Secretary,
Tamil Nadu Pollution Control
Board,
No.76, Mount Salai,
Guindy, Chennai-600 032.
- 3.The District Environmental Engineer,
Tamil Nadu Pollution Control
Board,
No.318/46-A, Water Tank Road,
Nagercoil,
Kanyakumari District-629 001.
- 4.The Chief General Manager,
IREL (India) Limited,
Manavalakurichi,
Kanyakumari District.

...Respondents

<https://www.mca21.org/> PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a



W.P.(MD)No.23412 of 2019

Writ of Mandamus, to direct the respondents 2 and 3 to hold the public hearing in the eight villages Keezhmidalam – A, Midalam – A, Enayamputhenthurai, Ezhudesam-A, Ezhudesam -B, Ezhudesam -C, Kollencode-A, Kollencode – B independently at the project site itself while considering the case of the 4th respondent with regard to the grant of prior environmental clearance for their proposed activities of mining the atomic energy in the said villages.

For Petitioner : Mr.R.Anand
For R-1 : Mr.K.Govindarajan,
Deputy Solicitor General of India
For R-2 & R-3 : M/s.Vijayakumari Natarajan
For R-4 : Mr.Krishna Srinivasan,
Senior Counsel
For Mr.Muthusaravanan

ORDER

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

By consent of both parties, this writ petition is taken up for final hearing, at the admission stage itself.

2. The prayer in the writ petition reads as follows:

“To issue a Writ of Mandamus, to direct the respondents 2 and 3 to hold the public hearing in the eight villages Keezhmidalam – A, Midalam – A, Enayamputhenthurai, Ezhudesam-A, Ezhudesam -B, Ezhudesam -c, Kollencode-A, Kollencode – B independently at the project site itself while considering the case of the 4th respondent with regard to the grant of prior environmental clearance for their proposed activities of mining the atomic energy in the said villages.”

3. The petitioner wants a public hearing to be conducted in the land which



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is sought to be mined, the reliance is placed upon the environmental impact assessment notification which reads as follows:

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“Procedure for conduct of Public Hearing

*1.0. The Public Hearing shall be arranged in a systematic, time bound and transparent manner ensuring widest possible public participation at the project site(s) **or in its close proximity District-wise**, by the concerned State Pollution Control Board (SPCB) or the Union Territory Pollution Control Committee (UTPCC).”*

4. A very reading of this provision would show that the conduct of public hearing in the site is not mandatory. The public hearing is to be conducted at the project site or in its close proximity. It is for the authorities to decide that. If the public hearing is conducted 100 Kms away from the site, the petitioner can very well question the same.

5. Hence, the writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.] [L.V.G., J.]

03.10.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
Sml

To

The Secretary,
<https://www.mhc.tn.gov.in/judis>
Ministry of Environment,



Forest and Climate Change,
Indira Paryavaran Bhawan,
Jorbagh Road,
Aliganj,
New Delhi-110 003.



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