



**W.P.(MD) No.1450 of 2024**

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 13.02.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR  
and  
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD) No.1450 of 2024  
and  
W.M.P.(MD) No.1493 of 2024**

Mohan K.Philip

... Petitioner

-VS-

- 1.The District Collector  
Tenkasi District, Tenkasi
- 2.The Joint Director of Geology & Mining  
Tenkasi District, Tenkasi
- 3.The Tamil Nadu State Environmental  
Impact Assessment Authority  
3<sup>rd</sup> Floor, Pannagal Maligai  
No.1, Jeenis Maligai, Saidapet  
Chennai-600 015
- 4.The State Level Expert Appraisal Committee  
Ground Floor, Pannagal Maaligai  
No.1, Jeenis Maligai, Saidapet  
Chennai-600 015

... Respondents



**W.P.(MD) No.1450 of 2024**

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records pertaining to the Letter No.SEIAA-TN/F.No.8662/2022, dated 15.09.2023, passed by the third respondent and quash the same as illegal and erroneous, consequently direct the third respondent to grant environmental clearance and further direct the first respondent to grant stone quarry lease within the time stipulated by this Court.

For Petitioner : Mr.H.Mohamed Ashick

For Respondents : Mr.P.Thilakkumar  
Government Pleader for R1 & R2  
Mr.N.Dilip Kumar for R3 & R4

**ORDER**

**[Order of the Court was made by D.KRISHNAKUMAR, J.]**

Prayer in this writ petition is to quash the order dated 15.09.2023, passed by the third respondent rejecting the proposal for environmental clearance for rough stone & gravel quarry lease on the ground that the proposed site is close to the Eco Sensitive Zone and the proposed mining activity will affect the habitation in Nellai Wildlife Sanctuary and to direct the third respondent to grant environmental clearance and direct the first respondent to grant stone quarry lease to the petitioner, within the time stipulated by this Court.



**W.P.(MD) No.1450 of 2024**

WEB COPY

**2.** According to the petitioner, the quarrying activities were carried out for two periods totalling ten years. He obtained necessary consent and environmental clearance and his application for renewal of lease during the second lease period was recommended by the authorities concerned. Since the same was not considered, the petitioner earlier filed a writ petition and based on the directions issued by this Court, the first respondent considered the petitioner's application and directed the authority concerned to provide approval for the mining plan and environmental clearance. Subsequently, the petitioner submitted an application for environmental clearance to the third respondent. However, the said application was not considered by the third respondent and it was kept pending. Therefore, the petitioner filed W.P.(MD) No.21201 of 2023 and this Court, by order dated 30.08.2023, directed the authority concerned to consider the petitioner's application after hearing both sides and pass orders in accordance with law.

**3.** The grievance of the petitioner is that despite the above order of this Court, the third respondent has passed the impugned order and rejected the proposal for environmental clearance, without providing any opportunity of personal hearing to him. Therefore, the impugned order is liable to be quashed on the ground of violation of the principles of natural justice.



**W.P.(MD) No.1450 of 2024**

WEB COPY

**4.** Learned Standing Counsel appearing for the respondents 3 and 4 fairly, on instructions, admitted the above submissions of the petitioner and submitted that in the light of the earlier orders of this Court, the fourth respondent will hear the petitioner and after receiving a report from the fourth respondent, the third respondent will pass orders on merits and in accordance with law.

**5.** In view of the above submission, we are inclined to pass the following orders:

- (i) This writ petition is allowed.
- (ii) The impugned order dated 15.09.2023, passed by the third respondent, is quashed, on the ground of violation of the principles of natural justice.
- (iii) The matter is remanded back to the file of the third respondent for fresh consideration.
- (iv) The third respondent is directed to forward the matter to the fourth respondent, who shall provide an opportunity of personal hearing to



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**W.P.(MD) No.1450 of 2024**

the petitioner pursuant to the earlier of this Court, dated 30.08.2023 passed in W.P.(MD) No. 21201 of 2023 and after receiving a report from the fourth respondent, the third respondent shall pass orders on merits and in accordance with law.

- (v) Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.
- (vi) No costs. Consequently, connected miscellaneous petition is closed.

**[D.K.K., J.]**

**[R.V., J.]**

**13.02.2024**

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

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To:

- 1.The District Collector,  
Tenkasi District, Tenkasi.
- 2.The Joint Director of Geology & Mining,  
Tenkasi District, Tenkasi.



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**and**  
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