



W.P.(MD).No.28568 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 02.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P.(MD).No.28568 of 2024
and
W.M.P.(MD).No.24227 of 2024

Ramesh

... Petitioner

Vs.

The Chairman,
State Level Environment Impact
Assessment Authority,
Tamil Nadu,
3rd Floor, Panagal Maligai,
No.1, Jeenis Road,
Saidapet, Chennai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondent not to grant environmental clearance for conducting quarrying operation in Survey No. 263/1 (Part 2) and (Part 3), Sivagnanapuram Village, Nilakottai Taluk, Dindigul District without confirming transportation route for the ingress and egress of quarry materials by considering the petitioner's representation dated 24.08.2024 and pass appropriate orders on merits and in accordance with law within the period that may be stipulated by this Court.



WEB COPY



W.P.(MD).No.28568 of 2024

For Petitioner : Mr.Sricharan Rangarajan
Senior Counsel
for Mr.T.Palanisamy
For Respondent : Mr.N.Dilipkumar
Standing Counsel

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

By consent of both sides, the Writ Petition is taken up for final disposal at the stage of admission itself.

2. This Writ Petition has been filed for a Mandamus to direct the respondent not to grant environmental clearance for conducting quarrying operation in Survey No. 263/1 (Part 2) and (Part 3), Sivagnanapuram Village, Nilakottai Taluk, Dindigul District without confirming transportation route for the ingress and egress of quarry materials by considering the petitioner's representation dated 24.08.2024.

3. The petitioner herein had given a representation to the respondent on 24.08.2024 not to grant environmental clearance certificate for conducting quarrying operation in the subject lands without confirming transportation route



W.P.(MD).No.28568 of 2024

for the ingress and egress of quarry materials. Since the said representation was not considered, the present Writ Petition has been filed.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of the India and direct them to consider the same within a stipulated time.

5. At this juncture, the learned Standing Counsel appearing for the respondent would submit that with regard to the petitioner's grievance, the respondent intends to conduct a public hearing and would take further course of action after considering all the objections from the general public.

6. In view of the same, the petitioner as well as any other persons, who are interested in the subject matter, are at liberty to raise their objections when such public hearing is conducted.



W.P.(MD).No.28568 of 2024

7. In the light of the above observations, there shall be a direction to the respondent herein to consider the petitioner's representation dated 24.08.2024, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner as well as any other persons, who may be interested in the subject matter, within a period of three (3) months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the concerned respondents to consider the same on its own merits.

8. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(M.S.R.,J.) (A.D.M.C.,J.)
02.12.2024

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

To
The Chairman,
State Level Environment Impact
Assessment Authority,
Tamil Nadu, 3rd Floor, Panagal Maligai,
No.1, Jeenis Road,
Saidapet, Chennai.



WEB COPY



W.P.(MD).No.28568 of 2024

M.S.RAMESH,J.
and
A.D.MARIA CLETE,J.

Lm

W.P.(MD).No.28568 of 2024

02.12.2024