



W.P.No.39230 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 11.06.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN
W.P.No.39230 of 2024

A.P.Vincent Raj
Rep. by its The Managing Director,
AV Properties (India) Private Limited,
No.392, Lakshman Nagar, 2nd Street,
Gandhipuram, Coimbatore - 641 012.

... Petitioner

-VS-

1. The Union of India
Rep. by its Secretary to the Government,
Ministry Of Environment, Forest And Climate Change,
Paryavaran Bhawan, Jor Bagh,
New Delhi - 110 003.
2. State of Tamil Nadu,
Rep. by the Principal Secretary,
Department of Environment Climate Change and Forests,
No.1, Jeenisi Road, Panagal Building,
Ground Floor, Saidapet,
Chennai - 600 015.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the 1st respondent culminating in Office Memorandum dated 08.01.2024 bearing No.F.No.IA3-3/42024-IA.III (E23079) and quash the same.



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For Petitioner : Mr.C.Balamurugan

For R1 : Dr.G.Babu

For R2 : Mr.M.R.Gokula Krishnan
Addl. Govt. Pleader

ORDER

(By M.JOTHIRAMAN,J.)

This Writ Petition has been filed, challenging the Office Memorandum dated 08.01.2024 bearing No.F.No.IA3-3/42024-IA.III (E23079), issued by the 1st respondent, by which, the decision in respect of issuance of Environmental Clearance has been kept in abeyance citing the order of the Apex Court dated 09.12.2021 in Civil Appeal Nos.7576-7577 of 2021 (Electrosteel Steels Limited vs. Union of India and others).

Brief Facts in nutshell

2. The case of the petitioner is that he is the owner of the properties in question and he had obtained the plan approval for construction of multi-apartment building. The building permission for 3,30,000 sq.ft. was obtained to construct individual houses in Block Nos.3 & 4 for the land owner. The petitioner, on payment of necessary fee, had



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obtained approval letter for the OSR site on 14.05.2019 in OSR No.18980/2018/CP Urban Development Commissioner (MGP) and the OSR site was also added to the new drawing on 30.09.2019.

3. It is further case of the petitioner that in the year 2019, the application for environmental clearance could not be processed due to Covid-19. In the meanwhile, the 1st respondent issued an Office Memorandum dated 08.01.2024 impugned herein, in which the order of the Supreme Court dated 09.12.2021 was referred to, which states as follows:

“93. The interim order passed by the Madras High Court appears to be misconceived. However, this Court is not hearing an appeal from that interim order. The interim stay passed by the Madras High Court can have no application to operation of the Standard Operating Procedure to projects in territories beyond the territorial jurisdiction of Madras High Court. Moreover, final decision may have been taken in accordance with the Orders/Rules prevailing prior to 7th July, 2021.”

4. The petitioner has also drawn the attention of the orders of this Court dated 30.08.2024 in W.P.(MD) Nos.8866 and 11757 of 2024,



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etc., batch, wherein the Office Memorandum issued by the respondents dated 19.02.2021 has been quashed. Therefore, it is the main submission of the petitioner that there is no bar for the 2nd respondent to issue environmental clearance certificate to the petitioner.

5. Learned counsel for the petitioner vehemently submitted that though the petitioner has applied for Environmental Clearance Certificate as early as on 05.03.2024 in Proposal No.SIA/TN/INFRA2/464989/2024, the same is kept pending without taking any decision thereon, merely citing the Office Memorandum dated 08.01.2024, which is assailed in this Writ Petition.

6. Per contra, learned counsel for the 1st respondent strenuously contended that the present Writ Petition has been filed at the premature stage and though the Office Memorandum dated 08.01.2024 is hosted in the website for information, it is only a communication to concerned Officers and public about the order passed by the Supreme Court. Hence, he prayed for dismissal of the Writ Petition.



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7. Heard the learned counsel for the respective parties and perused the material documents available on record.

8. A reading of the averments raised in the affidavit discloses that it is a bereft of particulars and the petitioner has not indicated as to what way his rights are prejudiced by issuance of the impugned Office Memorandum dated 08.01.2024 by the 1st respondent. As rightly pointed out by the learned counsel for the 1st respondent, the order under challenge in this Writ Petition has been issued by way of an internal communication for necessary information. It is not the case of the petitioner that on account of the impugned Office Memorandum dated 08.01.2024, his application for Environmental Clearance Certificate has been rejected. The petitioner himself has annexed a copy of the Environment Clearance Proposal No.SIA/TN/INFRA2/464989/2024 dated 05.03.2024 in the typeset of papers of the writ petition, the particulars of which read as follows:

“Proposal Details
Proposal No.:
SIA/TN/INFRA2/464989/2024
Single Window No.:
SW/116627/2023
CAF No.:



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CAF/114532/2023

Project Name:

Construction of Multistoreyed Residential Apartment Buildings

State:

TAMIL NADU

Proposal For:

Fresh EC

Activity:

8(a) Building / Construction

Sector:

INFRA2

Application For:

Application for EC (Category A, B1, and B2 Violation) – Form 1

Date of Submission:

05/03/2024

State File No.:

10500

Proposal History/Timeline

Under Verifications

State Date 05/03/2024

End Date N/A

Submitted”

9. Moreover, the matter has already been *sub judice* before the Hon'ble Supreme Court and an interim order has been passed, which is extracted supra. In the impugned Office Memorandum, while incorporating the operative portion of the order passed by the Supreme Court, it has been specifically mentioned as under:

“4. In this regard, the Ministry issued an OM dated 28th January, 2022 for circulating the above order of the Hon'ble Supreme Court to all the EACs and SEIAAs/SEACs. In view of the above observations of the Hon'ble Supreme Court, violation proposals pertaining to all the States except the State



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of Tamil Nadu were being appraised at the Central level and the respective SEIA As/SEACs.

5. However, the Hon'ble Supreme Court in W.P.(C) No.1394/2023 titled Vanashakti vs. Union of India, has stayed the operation of both the Office Memoranda dated 7th July 2021 and dated 28th January 2022 issued by this Ministry.

6. The copy of the order which is self-explanatory is enclosed herewith for necessary action.”

10. From the scrutiny of the above, it is apparent that the purpose of issuance of the impugned Office Memorandum is only to bring it to the notice of the concerned about the order passed by the Hon'ble Supreme Court in W.P.(C) No.1394/2023 and not anything else, which, in our view, does not warrant any interference by this Court.

11. For the foregoing discussions and observations, the Writ Petition lacks merits acceptance and is liable to be dismissed. Accordingly, the *Writ Petition is dismissed*. No costs.

(J.N.B.J.,) (M.J.R,J.,)
11.06.2025

Index: Yes / No
Internet: Yes / No
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J.NISHA BANU, J.



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AND

M.JOTHIRAMAN, J.

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To:

1. The Secretary to the Government,
Union of India
Ministry of Environment, Forest and Climate Change,
Paryavaran Bhawan, Jor Bagh,
New Delhi - 110 003.
2. The Principal Secretary,
State of Tamil Nadu,
Department of Environment Climate Change and Forests,
No.1, Jeenis Road, Panagal Building,
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