

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2015

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
THE HON'BLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.13355 of 2015
and M.P.No.1 of 2015

1 Puducherry Enironment Protection Asso
Rep by its Secretary K.Irisappan
No.18 Sarkarai vinayagar Koil Street
Koodapakam and Post Puducherry. .. Petitioner

-vs-

1 S.Arumugam s/o Sakkarappani
2 Puducherry Pollution Control Committee
Rep by its Member Secretary
3rd Floor Housing board Building
Anna Nagar Puducherry

3 The Superintending Engineer-II
Electricity Department Puducherry.

4 The Chief Controller of Explosives
PESO, Nagpur.

5 The Chief Inspector of Factories and Boilers,
Department of Labour,
Gandhi Nagar, Puducherry.

6 The District Collector
Revenue Complex, Saram Puducherry

7 M/S Shasun Chemicals and
Drugs Limited, rep by its Director
Periyakalapet, Puducherry.

8 The Town and Country Planning
Department, Rep by its Chief Town
Planner, Jawahar Nagar Puducherry

9 Puducherry Planning Authority
Rep by its Member Secretary Jawahar Nagar
Puducherry

- 10 The Government of Puducherry
Rep by its Secretary Housig Department
Chief Secretariat Gubert Avenue Puducherry
- 11 The Government of Puducherry
Rep by its Secretary Environment
Chief Secretariat Gubert Avenue Puducherry.
- 12 The Government of Puducherry
Rep by its Director Agriculture Departement
Light House street Puducherry.
- 13 The Central Ground Water Authority
Rep by its Member Secretary
Gurgaon New Delhi
- 14 The Puducherry Ground water
Authority, No.15 III Cross street
Mariamman Nagar Puducherry
- 15 Oulgrate Municipality
Rep by its Commissioner Jawahar Nagar
Puducherry.
- 16 Ministry of Environment and
Forests rep by its secretary Union of India
Lodhi Road New Delhi.
- 17 The Puducherry Coastal Zone
Management Authority, Rep by its Member
Secretary, 3rd Floor, Housing Board Building
Anna Nagar Puducherry 605 005
- 18 The Director of Industries
Puducherry Puducherry-1
- 19 Department of Drug Control
Puducherry Rep by its Commissioner
Puducherry
- 20 The Central Pollution Control
Board Parivesh Bhawan CBC-Cum-Office
Complex east Arjuna Nagar Delhi - 110 003
- 21 The Superintendent of Police
Puducherry.
- 22 The National Green Tribunal
Southern Zone rep by its Registrar
Pollution Control Board Buildings
Arumbakkam Chennai

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records of the 22nd respondent culminating in the order of the 22nd respondent dated 24/02/2015 in Application No.165 of 2014 and M.A 215 of 2014 in application No.165 of 2014 and quash the same and direct the 22nd respondent tribunal to adjudicate Application no.165 of 2014 and M.A 215 of 2014 in Application no. 165 of 2014 on merits

For Petitioner .. M/s.Vijayalakshmi K.Rajaratnam

For Respondents .. M/s.N.Mala
A.G.P. (Puducherry) for RR 2, 3, 5, 6,
8 to 12, 18, 19, 21.

.. Mr.Su.Srinivasan
Addl. Solicitor Genl. For R-16

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The original applicant before the National Green Tribunal has been permitted to withdraw the petition, but subject to imposition of costs. The petitioner only sought to be impleaded as a party in that petition and at that stage, only notice had been issued on the application and before impleadment, the order has been passed permitting withdrawal of the petition. It is, this order, which is being impugned by the petitioner in the present petition.

2.We are of the view that the National Green Tribunal having exercised its discretion, there is no case made out for exercising jurisdiction under Article 226 of the Constitution of India. If the petitioner wants to make out a case of its own, it is for the petitioner to invoke the jurisdiction with appropriate material.

3.No case made out to interfere with the order impugned. Writ Petition is, accordingly, dismissed. No costs. Consequently, M.P.No.1 of 2015 is also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

1 Member Secretary, Puducherry Pollution
Control Committee, 3rd Floor Housing Board
Building, Anna Nagar Puducherry

- 2 The Superintending Engineer-II
Electricity Department Puducherry.
- 3 The Chief Controller of Explosives
PESO, Nagpur.
- 4 The Chief Inspector of Factories and Boilers,
Department of Labour, Gandhi Nagar, Puducherry.
- 5 The District Collector Revenue Complex, Saram Puducherry
- 6 The Chief Town Planner, Town and Country Planning Department,
Jawahar Nagar Puducherry
- 7 Member Secretary Puducherry Planning Authority
Jawahar Nagar Puducherry
- 8 Secretary Government of Puducherry
Housing Department Chief Secretariat
Gubert Avenue Puducherry
- 9 Secretary Government of Puducherry
Environment Chief Secretariat Gubert Avenue Puducherry.
- 10 The Director Government of Puducherry
Agriculture Department Light House street Puducherry.
- 11 The Member Secretary Central Ground Water Authority
Gurgaon New Delhi
- 12 The Puducherry Ground water
Authority, No.15 III Cross street
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- 13 Commissioner Oulgrate Municipality
Jawahar Nagar Puducherry.
- 14 Secretary Ministry of Environment and
Forests, Union of India
Lodhi Road New Delhi.
- 15 The Member Secretary Puducherry Coastal Zone
Management Authority, 3rd Floor, Housing Board Building
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- 18 The Director of Industries
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- 19 Commissioner Department of Drug Control
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- 20 The Central Pollution Control
Board Parivesh Bhawan CBC-Cum-Office
Complex east Arjuna Nagar Delhi - 110 003
- 21 The Superintendent of Police
Puducherry.
- 22 The Registrar National Green Tribunal
Southern Zone Pollution Control Board Buildings
Arumbakkam Chennai.

1 cc to Mr. Su.Srinivasan, Advocate, SR.No.24336
1 cc to Mr.M/s.N.Mala, A.G.P. (Puducherry) , Advocate, SR.No.24752
1 cc to M/s.Vijayalakshmi K.Rajaratnam , Advocate, SR.No.24106

W.P.No.13355 of 2015

cnr (co) pmk.19.5.2015