

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.05.2015

CORAM

THE HON'BLE Mr. JUSTICE R.SUBBIAH
and
THE HON'BLE Mr. JUSTICE K.RAVICHANDRABAABU

W.P.No.14029 of 2015
and
M.P.No.1 of 2015

S.Yuvaraj

Vs

Petitioner

- 1.The Secretary to Government,
Revenue Department,
Fort St. George, Chennai - 9.
- 2.The Commissioner of Revenue
Administration, Chepauk,
Chennai - 5.
- 3.The District Collector,
Collectorate, Salem, Salem District.
- 4.The Revenue Divisional Officer,
Sankari, Sankari Taluk,
Salem District.
- 5.The Tahsildar,
Sankari, Sankari Taluk,
Salem District.
- 6.The Executive Officer,
Selection Grade Town Panchayat,
Sankari, Salem District.
- 7.The State Environmental Officer,
Tamil Nadu Pollution Control Board,
Guindy, Industrial Estate,
Chennai - 32.
- 8.The District Environmental Officer,
Tamil Nadu Pollution Control Board,
Alagapuram, Salem,
Salem District - 636 004.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of mandamus directing the sixth respondent not to commence the work of construction for dumping yard in the land S.No.238 extent of 0.50.5 hectares and in Survey No.241/1 extent of 0.34.0 hectares at Manjakalpatti Village, Sankari Taluk, Salem District without obtaining a permission and authorisation from the respondents 7 and 8 in pursuance of the order made by the Green Tribunal in Application No.44 of 2015 dated 04.02.2015.

For Petitioner .. Mr.M.Elango

For Respondents.. Mr.R.Vijayakumar,
Addl. Govt. Pleader

ORDER

(Order of the Court was made by K.RAVICHANDRABAABU, J.)

This writ petition is filed, seeking for a direction to the sixth respondent not to commence the work of construction for dumping yard in the land S.No.238 measuring an extent of 0.50.5 hectares and in Survey No.241/1 measuring an extent of 0.34.0 hectares at Manjakalpatti Village, Sankari Taluk, Salem District without obtaining permission and authorisation from the respondents 7 and 8 in pursuance of the order made by the Green Tribunal in Application No.44 of 2015 dated 04.02.2015.

2.The grievance of the petitioner is that the sixth respondent is commencing the work at the disputed site without getting permission from the respondents 7 and 8, pursuant to the order made by the Green Tribunal in Application No.44 of 2015 dated 04.02.2015. It is seen that the petitioner has already approached the Green Tribunal and filed the above said application in Application No.44 of 2015 seeking for certain reliefs against the so-called unauthorised construction. It is further seen that the Green Tribunal, by order dated 04.02.2015, directed the Tamil Nadu Pollution Control Board to make a spot inspection forthwith and decide the feasibility or otherwise of the scheme in the said Sankari Taluk and pass appropriate orders regarding the same expeditiously. If the petitioner has got any further grievance as against the non-compliance of the said order passed by the Green Tribunal, it is for him to workout his remedy before the Green Tribunal, which passed the said order, in accordance with law.

3.Therefore, we consider that the filing of the present writ petition is not a proper course of action as the petitioner has got to workout his remedy before the Green Tribunal, which passed the

order earlier in Application No.44 of 2015, if there is any violation or non-compliance. Accordingly, this writ petition is disposed of, giving liberty to the petitioner to approach the Green Tribunal and seek appropriate remedy in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
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- 8.The District Environmental Officer,
Tamil Nadu Pollution Control Board,
Alagapuram, Salem,
Salem District - 636 004.

+ 1 cc to Mr.M.Elango, Advocate SR.25243

SSI (CO)
EU 20.05.2015

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