

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P.No.20217 of 2008

Central Institute of Brackishwater
Aquaculture (CIBA), rep. by its
Director, Chennai.

... Petitioner

-vs-

1. Government of Tamil Nadu,
rep. by its Home Secretary,
Secretariat, Chennai.
2. District Collector,
District Collectorate of Kancheepuram,
District Collector's Office, Kancheepuram.
3. District Superintendent of Police,
Superintendent of Police's office,
Kancheepuram.
4. Director, Department of Environment,
Government of Tamil Nadu,
Panagal Buildings, Saidapet, Chennai.
5. The Member Secretary,
Mamallapuram Local Planning Authority,
131, G.S.T. Road, Chengalpattu.
6. Chairman,
Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy, Chennai.
7. M/s.Olive Beach Resort Developers,
rep. by Mr.Samsunder.
8. Padmini Siva Subramaniam
9. Dr.Ravi Ramalingam
- 10.Soundara Kailasam
- 11.Dr.Sadayavel Kailasam

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct respondents 1 to 6 to take appropriate actions forthwith against respondents 7 to 11 for dumping the earth, filling of earth and other related activities upon the lagoon in Survey No.113/1 lands, its adjacent and surrounding areas at Muttukadu village and forbear respondents 7 to 11 from carrying on or doing any act or activities by dumping the earth, filling the earth on the Lagoon areas in Survey No.113/1 lands, its surrounding and adjacent areas in Muttukadu village which is situated within the 200 metres of the High Tide Line of the Coastal Regulation Zone Rules, Regulations and Notification read with the Directions and Guidelines issued by the Hon'ble Supreme Court.

For Petitioner : Mr.S.R.Sundaram
For Respondents : Mr.L.S.M.Hasan Faizal
Govt. Pleader for RR 1 to 5
: Mrs.Rita Chandrasekaran for R-6
: Mr.V.Raghavachari for R-7
: No appearance for RR 8 and 9
: Mrs.Nalini Chidambaram, S.C.
For M/s.Vidya Raja for R-10
: Mr.R.Krishnamoorthy, S.C.
For Mr.V.Ayyadurai for R-11

O R D E R

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

The petitioner, Central Institute of Brackishwater Aquaculture (CIBA) stated to be a Central Government institution, has filed the present writ petition seeking directions for the State Government as well as the Tamil Nadu Pollution Control Board, to take action against private respondents 7 to 11 for dumping the earth, filling the earth and other related activities upon the Lagoon in the lands in Survey No.113/1, its adjacent and surrounding areas at Muttukadu Village, on the allegation that the activity comes within 200 metres of the High Tide Line of the Coastal Regulation Zone Rules and Regulations and notifications read with directions and guidelines.

2.The stand of the private respondents is that the present petition is a counter blast to their petition filed against the petitioner herein being W.P.Nos.27218 and 27219 of 2007. The private respondents have also drawn the attention of this Court to the counter-affidavits filed by the second respondent / District Collector certifying that as per the inspection carried out, there

was no encroachment in CIBA lands within 200 metres of the High Tide Line of Coastal Regulation Zone as alleged by the petitioner. This affidavit was affirmed on 06.01.2010.

3.It appears that during the course of proceedings in the present matter, an order was passed on 25.03.2010, seeking to appoint a Legal Commissioner calling for reports as to whether there was dumping of earth and if so, in whose property, and its distance from the land of Lagoon, whether the construction of compound wall and filling of earth were confined to the patta property, whether the property of the 7th respondent would come within the Coastal Regulation Zone, whether the filling of earth and development undertaken by the 7th respondent would affect the Lagoon and also the physical features of the properties of the petitioner and the private respondents. A Legal Commissioner was appointed with the 7th respondent being called upon to deposit Rs.50,000/- for carrying out the task.

4.We are informed that in pursuance to this order, nothing appears to have happened other than the deposit of the amount of Rs.50,000/-.

5.As the situation stands now, seven years have elapsed since the filing of the petition. The stand of the State Government is that the area of the private respondents does not fall within the Coastal Regulation Zone and there appears to be no material to doubt that representation. Not only that, the writ petitions filed by the private respondents, being W.P.No.27218 and 27219 of 2007, have been disposed of on 10.03.2015, calling upon the 6th respondent herein / TNPCB to carry out necessary verifications.

6.We are, thus, of the view that the aforesaid direction in that matter would cover the aspect and no further directions beyond that are required in the present petition.

7.Writ Petition, accordingly, stands closed. No costs. Connected M.Ps. stand closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

1. Home Secretary, Government of Tamil Nadu,
Secretariat, Chennai.
2. District Collector,
District Collectorate of Kancheepuram,
District Collector's Office, Kancheepuram.
3. District Superintendent of Police,
Superintendent of Police's office,
Kancheepuram.
4. Director, Department of Environment,
Government of Tamil Nadu,
Panagal Buildings, Saidapet, Chennai.
5. The Member Secretary,
Mamallapuram Local Planning Authority,
131, G.S.T. Road, Chengalpattu.
6. Chairman, Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy, Chennai.

+1cc to Mr.S.R.Sundaram, Advocate, S.R.No.14916
+1cc to Mr.V.Raghavachari, Advocate, S.R.No.14839
+1cc to M/s.Rita Chandrasekaran, Advocate, S.R.No.14923
+1cc to M/s.Vidya Raja, Advocate, S.R.No.14996
+1cc to the Government Pleader, S.R.No.15052

W.P.No.20217 of 2008

NM(CO)
CA(30/03/2015)

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