

In the High Court of Judicature at Madras

Dated: 26.06.2015

Coram

The Honourable Mr.JUSTICE D. HARIPARANTHAMAN

Writ Petition No.18554 of 2015  
and M.P.Nos.1 and 2 of 2015

R.Sarasavani

..Petitioner

Vs.

1. The Government of Tamilnadu,  
represented by the Principal Secretary,  
Environment and Forest Department,  
Secretariat, Fort St.George,  
Chennai - 600 009.
2. The Tamilnadu Pollution Control Board,  
Rep. By its Chairman,  
Guindy,  
Chennai - 600 032.
3. Dr.K.Karthikeyan,  
Joint Chief Environmental Engineer,  
TamilNadu Pollution Control Board,  
Guindy,  
Chennai - 600 032.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the issue of impugned G.O.(D) No.3 E & F Department (EC-2) dated 05.01.2015 issued by the 1<sup>st</sup> respondent and quash the same.

For Petitioner : Mr.N.Subramaniyan

For Respondents : Mr.G.Gunasekaran,  
Government Advocate for R1  
Mr.A.Yasmeen Ali for R2.

O R D E R

With consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2. The 3<sup>rd</sup> respondent was proceeded departmentally under Regulation 8(2) of the Tamil Nadu Pollution Control Board (Discipline and Appeal) Regulations. Ultimately, the Enquiry Officer gave a report. Based on the report, the Government issued G.O.(D).No.3 Environment and Forests (EC2) Department dated 05.01.2015, dropping the charges. The order dropping the charges runs to 15 pages. In the

said order, the Government has considered the report of the Enquiry Officer. The learned counsel for the petitioner relied on the following passage made in the internal page No.6 of the said G.O., for entertaining this writ petition.

"The Enquiry Officer states in his report that the consent fee would have been collected before issue of consent. He himself and the District Environmental Engineer, Mrs.R.Saraswani have issued consent for M/s. Apollo Speciality, 320, Padma Complex, Nandanam, Chennai, vide Proceedings No.TNPCB/BMWM/819/CHN/RL/W&A/ 2011 dated 06.09.11 and collected the consent fee arrears only on 18.06.2012 (after 9 months) for Rs.2,17,442 vide CR.No.39595, dated 18.6.12. The consent was issued without valid agreement for Biomedical Waste facility to M/s.G.J.Multiclave whose agreement is not renewed."

3. This Court, questioned as to whether any proceedings was initiated against the petitioner, based on the aforesaid paragraph. Learned counsel for the petitioner stated that no proceedings was initiated against the petitioner. In these circumstances, I am not inclined to entertain the writ petition, questioning the G.O.(D). No.3, Environment and Forests (EC2) Department dated 05.01.2015, dropping the charges as against the 3<sup>rd</sup> respondent. Hence, the writ petition fails and the same is dismissed. No costs. Consequently, the connected miscellaneous petitions are dismissed.

Sd/-  
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1. The Principal Secretary,  
Environment and Forest Department,  
Secretariat, Fort St.George,  
Chennai - 600 009.

2. The Chairman,  
Tamilnadu Pollution Control Board,  
Guindy, Chennai - 600 032.

3. Dr.K.Karthikeyan,  
Joint Chief environmental engineer,  
Tamil nadu Pullution Control board,  
Guindy, Chennai - 600 032.

+1 cc to Mr.H.Yashmeen Ali, Advocate,SR.31543

+1 cc to Mr.N.Subramanian, Advocate,Sr.31592.

Rj(co)

krd 6/7

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