

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2015

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.P.No.19742 of 2015

VGN Minerva Owner's Welfare Association,
Rep. by its Secretary, Mr.Basker Immanuel. .. Petitioner

-vs-

- 1.The State, rep.by
The Secretary to Govt.,
Dept. Of Environment and Forest,
Fort St. George, Chennai.9
- 2.The State Level Environment Impact
Assessment Authority, Rep. by the
Director, Environment and Member
Secretary, Tamilnadu Pollution Control
Board Premises, 76, Mount Salai,
Guindy, Chennai.32
- 3.The Tamilnadu Pollution Control Board,
Rep. by the Member Secretary,
76, Mount Salai, Guindy, Chennai.32
- 4.The Chennai Metropolitan Development
Authority, Rep.by the Member Secretary,
Thalamuthu Natarajan Building,
1, Gandhi Irwin Road, Egmore, Chennai.8
- 5.Chennai Corporation,
Rep. by the Commissioner,
Ripon Buildings, Poonamallee High Road,
Chennai.3
- 6.The Commissioner,
Villivakkam Panchayat Union,
Villivakkam, Chennai.
- 7.The President,
Nolambur Village Panchayat,
Nolambur.

8.M/s.VGN Developers Private Limited,
Rep. by the Managing Director.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 2to4 respondent authorities to inspect the petitioner Association's ''VGN Minerva Residential Community Complex'', to note down the building violations and unauthorized construction and the violations of conditions under Environmental Clearance issued on 04.02.2009 and all other violations under the provisions of applicable laws in the design, execution and implementation of the building and construction project promoted by the 8th respondent project proponent and to initiate immediate criminal and rectification actions.

For Petitioner : Mr.P.T.Perumal

For Respondents : Mr.M.K.Subramanian
Spl. G.P. for R-1
: M/s.Yasmeen Ali for RR 2 and 3
: Mr.C.Johnson for R-4
: Mr.K.Soundararajan for RR 5 and 6

O R D E R

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

Learned counsel for the petitioner cannot seriously dispute that the grievance is really between the welfare association and the builder. One part of it deals with the aspect of pollution and the jurisdiction would lie with the National Green Tribunal. The other aspect dealing with the unauthorised construction has its own mechanism for redressal of the grievance inter se the two parties. Thus, in our view, two separate proceedings would have to be initiated and the two aspects cannot be clubbed together merely because the parties are the same.

2.Learned counsel for the petitioner, thus, seeks to withdraw the petition with liberty to approach the relevant forums for redressal of the grievance. Endorsement is made. Liberty is granted for the petitioner to proceed in accordance with law.

3.Learned counsel for the Tamil Nadu Pollution Control Board submits that since the petitioner has already made a representation, they will take steps to carry out an inspection and proceed in accordance with law. The said statement is taken on record.

4.Writ Petition is dismissed as withdrawn. No costs.
Consequently, M.P.No.1 of 2015 also stands dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The Secretary to Govt. Of Tamilnadu,
Dept. Of Environment and Forest,
Fort St. George, Chennai.
- 2.The Director, Environment and Member
Secretary, State Level Environment Impact
Assessment Authority, Tamilnadu Pollution Control
Board Premises, 76, Mount Salai,
Guindy, Chennai.
- 3.The Member Secretary,
Tamilnadu Pollution Control Board,
76, Mount Salai, Guindy, Chennai.
- 4.The Member Secretary,
Chennai Metropolitan Development
Authority, Thalamuthu Natarajan Building,
1, Gandhi Irwin Road, Egmore, Chennai.
- 5.The Commissioner,
Chennai Corporation, Ripon Buildings,
Poonamallee High Road, Chennai.
- 6.The Commissioner,
Villivakkam Panchayat Union,
Villivakkam, Chennai.
- 7.The President,
Nolambur Village Panchayat,
Nolambur.

+1cc to Mr.H Yasmeen Ali, Advocate, S.R.No.34203
+1cc to Mr.K. Soundararajan, Advocate, S.R.No.33465
+ 1 cc to Mr.c. Johnson, Advocate Sr.33511
+ 1 cc to Mr.P.T. Perumal, Advocate SR.33692
+ 1 cc to M/s. Special Government Pleader SR.33623

CNR(CO)
EU(10/07/2015)

W.P.No.19742 of 2015