

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2015

CORAM

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

AND

The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.P.No.21476 of 2015

and

M.P.Nos.1 and 2 of 2015

The Annur (Special Grade) Town Panchayat,
rep. by its Executive Officer,
Annur-641 653. ... Petitioner

-vs-

1.M.Lakshmanamoorthy

2.State Environment Impact
Assessment Authority,
rep. by its Member Secretary,
3rd Floor, Panagal Maligai,
No.1, Jeenis Road, Saidapet,
Chennai-600 015.

3.The Tamil Nadu Pollution Control Board,
rep. by its Member Secretary,
Anna Salai,
Chennai.

4.The District Environment Engineer,
Tamil Nadu Pollution Control Board,
266, Mettupalayam Road,
Coimbatore.

.. Respondents

Petition under Article 226 of the Constitution of India
praying for issue of Writ of Certiorari calling for the records of
the National Green Tribunal sitting at Chennai (NZ) in Original
Application NO.237 of 2015 and quash the impugned order dt.
5.6.2015 passed by the Hon'ble National Green Tribunal sitting at
Chennai (SZ) in Original Application No.237 of 2015 and costs.

For Petitioner : Mr.V.Prakash
Senior Counsel
for
Ms.A.Shri Jayanthy

For Respondents : Mr.T.Mohan for R1

Mr.STS.Moorthy
Government Pleader for R2 & R4

Ms.Rita Chandrasekaran for R3

O R D E R

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

We are unable to entertain the writ petition in view of our decision in W.P.No.34199 of 2015 dated 30.06.2015 (P.S.Jayachandran and another v. Member Secretary, Tamil Nadu Pollution Control Board, Chennai-32 and others) and W.P.No.35098 of 2013 etc., batch dated 07.07.2015 (P.Sundararajan v. The Deputy Registrar, National Green Tribunal, Chennai-106).

2. The learned Senior Counsel for the petitioner however contends that the impugned order dated 05.06.2015 has been passed by the National Green Tribunal (SZ) without notice to the petitioner. However on perusal of the order, we find that no directions have been issued against the petitioner. There are only general observations how the environmental clearance is obtained qua a project. We are saying in the context of the submission of the learned Senior Counsel for the petitioner that no such environmental clearance whatsoever is required in respect of their project and those general observations cannot have any application to the petitioner.

3. If the petitioner is still apprehensive, it is always open to them to approach the National Green Tribunal for review/clarification/modification as there is a specific power conferred under Rule 22 of the National Green Tribunal (Practices and Procedure) Rules, 2011.

4. Since the learned counsel for the original applicant before the National Green Tribunal is represented before us, naturally the application to be moved by the petitioner will be with advance notice to the learned counsel for the original applicant before the National Green Tribunal specially as he contends the environmental clearance is required in the facts of the case.

5. Needless to say the issue of limitation would not really stand in the way of the petitioner, as the order was passed without even notice to the petitioner.

6. The writ petition is disposed of in terms aforesaid. No costs. Consequently, M.P.Nos.1 and 2 of 2015 are closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

- 1.The Member Secretary,
State Environment Impact Assessment Authority,
3rd Floor, Panagal Maligai,
No.1, Jeenis Road, Saidapet,
Chennai-600 015.
- 2.The Member Secretary,
Tamil Nadu Pollution Control Board,
Anna Salai,
Chennai.
- 3.The District Environment Engineer,
Tamil Nadu Pollution Control Board,
266, Mettupalayam Road,
Coimbatore.

1 cc to Mr.K.Sudalaikannu, Advocate, sr. 35978

W.P.No.21476 of 2015

KJI (CO)
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