

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2015

CORAM

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

W.P.No.9754 of 2010
and
M.P.No.1 of 2010

M.Garkey @ Ayyasamy .. Petitioner

-vs-

1.The Government of Tamilnadu,
rep. by its Secretary to the Government,
Department of Municipal Administration
and Water Supply,
Secretariat, Chennai-600 009.

2.The Director,
Directorate of Municipal Administration
and Water Supply,
Elilagam, Chempauk,
Chennai-600 009.

3.The District Collector,
Collectorate, Coimbatore-641 018.

4.The Commissioner,
Corporation of Coimbatore,
Town Hall, Coimbatore-641 018.

5.The Member Secretary,
Tamilnadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai-600 032.

.. Respondents

Petition under Article 226 of the Constitution of India
praying for issue of Writ of Mandamus restraining the respondents
from granting permission to cut the Government trees and also prevent
the trees Corporation area, Coimbatore.

For Petitioner : No Appearance
For Respondents : Mr.STS.Moorthy
Government Pleader for R1 to R3
Mr.A.Ilango for R5
No Appearance for R4

O R D E R

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

The petitioner seeks to raise the issue of ecology consequences of 6000 trees ear-marked by the Project Officer and proposad to cut the trees for road widening project of the National Highway Authority of India (NHAI) in Coimbatore City. Cutting of 100 to 150 years old age trees, is stated to have caused adverse weather conditions.

2. No interim orders are passed.

3. The project would be over by now.

4. We may note that in respect of the project of NHAI, we have passed an order in other proceedings requiring ecology impact study to be done before pulling down the trees, especially cutting of old trees. In this behalf, we may refer to the relevant portion of the order passed in W.P.No.20232 of 2014, dated 06.01.2015 (V.B.Srinivasan v. The Chief Secretary, Government of Tamil Nadu and others) as under:-

"2. It also appears that no environment impact study was done even though up-rooting of such old trees was involved. We would like to emphasize the necessity of a mandatory environment impact survey to be carried out in such matters, so that there is sensitivity to the environment issue and the same objective can be achieved by some minor variations. An example of this we have already referred to in the last order, as was suggested by the learned counsel for the petitioner, that the widening could have take place on one side, thus at least saving the trees on the other side. The only answer to this given before us by the Assistant Engineer is that it would envisage acquiring some part of private land. Be that as it may, it would have been a better option than uprooting trees from both sides. Large number of old trees cannot be uprooted only to save the respondents from giving some compensation for private land !

3. List for further compliance on 20.02.2015." On 20.02.2015, the matter was again listed for compliance and this Court passed the following order:-

"Learned counsel for the respondents states that they have accepted the report of the Centre for Floristic Research Department of Botany and will act in pursuance thereto, including ensuring that in future, environmental impact assessment is mandatorily carried out for all projects and clearance obtained. No further directions are required."

5. The writ petition is, accordingly, disposed of in the aforesaid terms. No costs. Consequently, M.P.No.1 of 2010 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to the Government,
Department of Municipal Administration
and Water Supply,
Secretariat, Chennai-600 009.
- 2.The Director,
Directorate of Municipal Administration
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Town Hall, Coimbatore-641 018.
- 5.The Member Secretary,
Tamilnadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai-600 032.

- + 1 cc to M/s.A. Elango, Advocate SR.14845
+ 1 cc to M/s. R. Sivakumar, Advocate SR.15377
+ 1 cc Government Pleader Sr.14654

PPA(CO)
EU 7.04.2015

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