

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2015

CORAM:

The Honourable Mr. SANJAY KISHAN KAUL, Chief Justice
and
The Honourable Mr. Justice M.M. SUNDRESH

Writ Petition No. 16059 of 2012

P. Viswanathan

.. Petitioner

vs.

1. Government of Tamil Nadu
rep. by the Principal
Secretary to Government
Ministry of Environment and Forests
Fort St. George, Chennai 600 009.
2. The Tamil Nadu Pollution Control Board
rep. by its Chairman
No.76, Mount Road, Guindy
Chennai 600 032.
3. Dyers Association of Tirupur
rep. by its President Mr.S.Nagaraj
No.7, Pethichettypuram, 2nd Street
Rayapuram, Tirupur-641601.
4. Tirupur Bleachers Association
rep. by its President Mr.S.Chinnasamy
No.5, Binny Compound 3rd Street
Kumaran Road, Tirupur 641601.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing respondents 1 and 2 to consider the petitioner's representation dated 10.04.2012 and pass orders thereon and consequently directing them to sanction and pay the petitioner a compensation of Rs.20,23,646/- towards the agricultural productivity loss in his lands and a further sum of Rs. 27,80,000/- towards the loss of ecology/environment, totaling a sum of Rs.48,03,646/- with interest at the rate of 12% p.a. within a stipulated time to be fixed by this Honourable Court.

For Petitioner : Mr. D. Raghu
For Respondents : Mr. M.K. Subramanian
Spl. Govt. Pleader for R1
Mrs. Rita Chandrasekaran
Standing Counsel for R2
Mr. K. Raja for R3
Mr. L. Chandrakumar for R4

O R D E R

(Made by The Hon'ble The Chief Justice)

The petitioner seeks compensation towards the loss of agricultural productivity as also for the loss of ecology/environment on account of the discharge of polluted trade effluents from the dyeing and bleaching units in and around Tirupur from the year 1992 onwards.

2. The petitioner admits that the Loss of Ecology Authority, by its award dated 22.02.2011, had awarded compensation, but the petitioner is dissatisfied with the same. In this behalf, he relies upon a plea of parity, since further compensation was awarded to other similarly situated persons vide G.O.Ms.No.209, Environment and Forests (EC I) Department, dated 31.12.2011. The said Government Order was, however, quashed by the Division Bench of this Court in Writ Petition Nos.2790 of 2012 and connected matters in M.Ramasamy vs. Chief Secretary, Government of Tamil Nadu and others, decided on 01.11.2012 and this order has been confirmed by the Honourable Supreme Court by order dated 26.03.2014 in Civil Appeal Nos.4564 to 4583 of 2013. Thus, the very basis for parity does not exist any more.

3. We, thus, dispose of the writ petition as infructuous, leaving it open to the petitioner to work out his remedies in accordance with law, if he is otherwise entitled to any additional claim. No costs.

Sd/-

Assistant Registrar

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Sub Assistant Registrar

ATR

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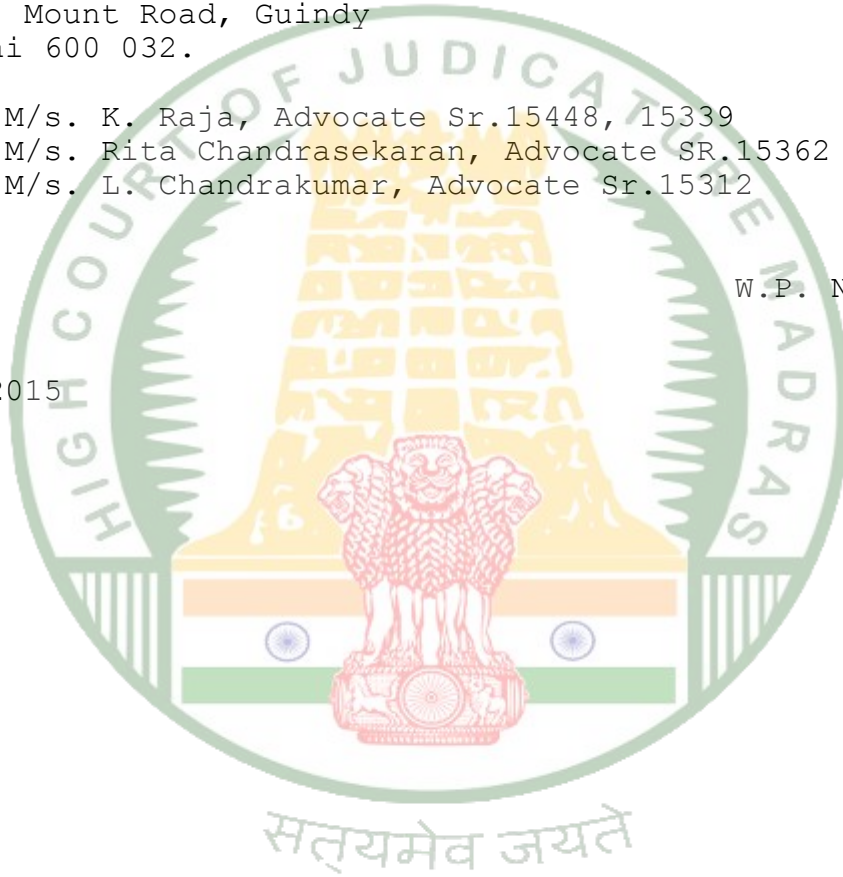
1. The Principal Secretary to Government
Government of Tamil Nadu
Ministry of Environment and Forests
Fort St. George, Chennai 600 009.

2. The Chairman
Tamil Nadu Pollution Control Board
No.76, Mount Road, Guindy
Chennai 600 032.

+ 1 cc to M/s. K. Raja, Advocate Sr.15448, 15339
+ 1 cc to M/s. Rita Chandrasekaran, Advocate SR.15362
+ 1 cc to M/s. L. Chandrakumar, Advocate Sr.15312

W.P. No. 16059 of 2012

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