IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.14958 of 2016

R.James Paul .. Petitioner

-vs-

1.The Chief Secretary,
Govt. of Tamilnadu,
Fort St. George, Chennai 600 009.

2.The Principal Secretary to the Govt.,
Environment & Foresh Dept.,
Fort St. George, Chennai 600 009.

3.The Chairman,
Tamilnadu Pollution Control Board,
76, Anna Salai, Guindy,
Chennai 600 032.

4.The Chief Electoral Officer & Principal
Secretary to the Govt., Public
(Elections) Dept., Fort St. George,
Chennai 600 009.

5.Dr.K.Karthikeyan
Member Secretary,
Tamilnadu Pollution Control Board,
Guindy, Chennai 600 032. .. Respondents

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Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct respondents 1 to 4 to constitute the State Pollution Control Board as per Section 4 (2) of Water (Prevention and Control of Pollution) Act 1974 and Section 5 (2) of Air (Prevention and Control of Pollution) Act 1981 without the presence of the 5th respondent herein within a time frame as may be fixed by this Court.

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For Petitioner : Mr.Karthick, Sr.Counsel
for Mr.A.V.Arun

For Respondents : Mr.S.T.S.Murthi,
Govt. Pleader, assisted by
Mr.V.Shanmugasundar, for R-1
: Mr.M.K.Subramanian,
Spl.G.P. For R-2
: Mr.Abdul Saleem for R-3

* * * * *

O R D E R

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

The fifth respondent is the Member Secretary of the Tamil Nadu Pollution control Board and on a Writ of Quo Warranto being issued, learned Single Judge found that certain material relating to the integrity and probity of the said respondent has been held back and thus, quashed the appointment in W.P.No.24003 of 2014 decided on 23.01.2015. On appeals being filed in W.A.Nos.112 and 177 of 2015, the Division Bench dismissed the appeals on 24.04.2015. It is conceded that against the said common judgment, Special Leave Petitions have been filed and interim stay has been granted. In fact, it is pointed out that the fifth respondent has relinquished the office, but stands restored in view of the orders of the Hon'ble Supreme Court.

2.In the present petition, once again the conduct of the fifth respondent is now sought to be assailed on the ground that he / his son is carrying on business, which has a direct link with the office he holds. Thus, to our mind, this is another ground why the fifth respondent should not be entitled to hold the post in question.

3.We see no purpose in maintaining this petition separately, as, if this case is kept pending to await the orders of the Hon'ble Supreme Court, it would imply that another round would start in case the fifth respondent / the authority succeed. We are, thus, of the view that this being in the nature of an additional ground, though the petitioner was not a party in the earlier proceedings, it is for the petitioner to take his chance before the Hon'ble Supreme Court, in case the Court is so inclined to entertain the petition.

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4.Writ Petition, accordingly, stands disposed of. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sra

To

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+1 cc to Special Government Pleader sr.32311
+1 cc to Abdul Saleem Advocate sr.32596
+1 cc to M/s.A.V.Arun Advocate sr.32163

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