

WP No.16703 of 2015

The Hon`ble The CHIEF JUSTICE
and
The Hon`ble Mr Justice R. MAHADEVAN

S.Samraj
Advocate (Enroll No.2370/12) No.9/94,
Anna Street, Minjur, Ponneri Taluk,
Tiruvallur District-601203.

Vs

The State [substituted]
Environment Impact Assessment Authority,

its Member Secretary, The Director
(Environment), Panagal Buildings, No.1,
Saidapet, Chennai-600 015. and 9 others.

Learned counsel for the State Government refers to the compliance report filed by the third respondent to submit that the appeal stands dismissed on 25.06.2016, but the private 8th respondent has preferred a writ petition in W.P.No.24717 of 2016 before this Court which was listed on 21.07.2016 and next date of hearing is on 02.08.2016. No interim orders have been granted. He submits that in the mean time, out of the penalty of Rs.41,58,100/-, a sum of Rs.10,00,000/- (Rupees Ten lakhs) has been paid on 26.07.2016.

2. The Tahsildar/Ponneri is directed to recover the penalty amount with interest from the date due to the Government and the Revenue Divisional Officer, Ponneri is directed to monitor the recovery of the amount. Insofar as the initiation of prosecution is concerned, referring to paragraph-2 of our last order, learned counsel appearing for the first respondent points out that the penalty provisions for contravention of the Act are provided under Section 15 of The Environment (Protection) Act, 1986 while Section 19 of the same Act prescribes how the cognisance has to be taken. The complaint has to be made by the Central Government or any officer authorised in this behalf by the Government. He has referred to the notification dated 16.04.1987 issued where under Clause-A of Section 19 of the said Act, the authority has been vested with the Collector of the District for the whole of the Revenue District. It is thus submitted that it is the Collector who would have to take necessary action in accordance with law.

3. We thus call upon the District Collector/third respondent to look into the issue and take necessary action in accordance with law.

No further orders are required.

[CJ] [R M D J]

29/07/2016

KSR