

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. Nos.493 & 494 of 2010

and

M.P.No.2 of 2011

Chemplast Sanmar Limited,
rep. by its Vice President-Legal T.Ravi Chandran,
having its Registered Office at
No.9, Cathedral Road,
Chennai-600 086. ... Petitioner in both WPs.

-vs-

- 1.National Environment Appellate Authority,
Trikoot-I, 2nd Floor,
Bhikaji Cama Place,
New Delhi-110 066.
- 2.Union of India,
rep. by its Secretary to Government,
Ministry of Environment & Forests,
(I.A. - III Division)
Paryavaran Bhawan, CGO Complex,
Lodhi Road, New Delhi-110 003.
- 3.S.Prabhakaran
- 4.National Green Tribunal,
Having office at Van Vigyan Bhavan,
R.K. Puram, V Sector,
New Delhi-110 022. ... Respondents in both WPs.
(Respondent No.4 impleaded as per the order
the dt. 12.10.2011 in M.P.No.1 of 2011)
in WPs.

W.P.No.493 of 2010 filed under Article 226 of the
Constitution of India praying for issue of Writ of Certiorari
calling for the records relating to the order of the first
respondent dated 17.11.2009 made in Appeal No.37 of 2009 filed
by the third respondent and quash the same.

W.P.No.494 of 2010 filed under Article 226 of the

Constitution of India praying for issue of Writ of Prohibition prohibiting the first respondent from entertaining or proceeding with Appeal No.37 of 2009 filed by the third respondent.

For Petitioner : Dr.P.Vasudevan

For Respondents : No Appearance for R1 & R2

Mr.D.Ravichandran for R3

COMMON ORDER

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

The petitioner is troubled by the impugned order dated 17.11.2009, by which the appeal filed by respondent No.3 has been admitted on account of the fact that the petitioner had raised preliminary objection as to the maintainability/jurisdiction of the National Environment Appellate Authority and without deciding that preliminary objection, the Appellate Authority wanted to proceed to the merits of the case while hearing the maintainability issue simultaneously.

2. We have heard the learned counsel for parties.

3. We are of the view that the proceedings are not progressing in view of the interim orders granted by this Court and the question whether the appeal is maintainable or not is liable to be addressed by the party before whom such plea is raised.

4. We are thus of the view that the matter has to be remitted back to the National Environment Appellate Authority to decide the issue of maintainability as preliminary issue and depending on the same, the question of analysis of the merits of the case would arise.

5. The writ petitions, stand disposed of accordingly. No costs. Consequently, M.P.No.2 of 2011 is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.National Environment Appellate Authority,
Trikoort-I, 2nd Floor,
Bhikaji Cama Place,
New Delhi-110 066.
- 2.The Secretary to Government,
Ministry of Environment & Forests,
(I.A. - III Division)
Paryavaran Bhawan, CGO Complex,
Lodhi Road, New Delhi-110 003.
- 3.National Green Tribunal,
Having office at Van Vigyan Bhavan,
R.K. Puram, V Sector,
New Delhi-110 022.

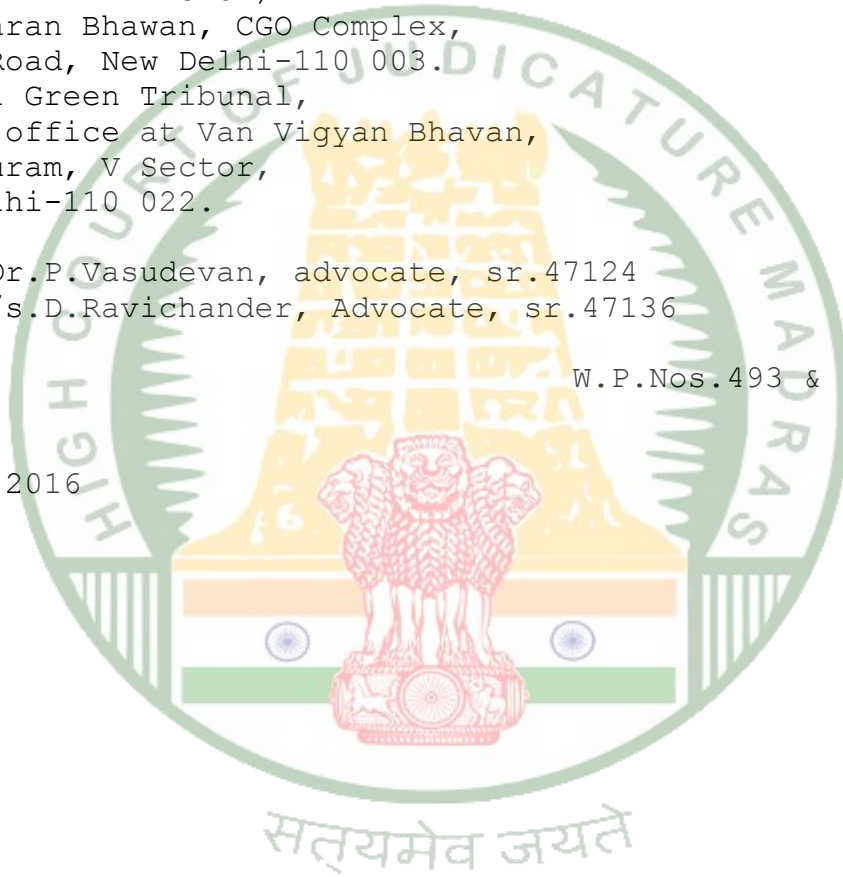
2 ccs to Dr.P.Vasudevan, advocate, sr.47124

1 cc to M/s.D.Ravichander, Advocate, sr.47136

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