

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.06.2016

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
The Honourable Mr.Justice R.MAHADEVAN

W.P.Nos.21316 to 21320 of 2016

Ravivarman	...	Petitioner in W.P.No.21316 of 2016
Arumugham	...	Petitioner in W.P.No.21317 of 2016
Gunasekar	...	Petitioner in W.P.No.21318 of 2016
V.Jayamurthy	...	Petitioner in W.P.No.21319 of 2016
D.Rajendhiran	...	Petitioner in W.P.No.21320 of 2016

Versus

1.The Coastal Aqua Culture Authority
Shastri Bhavan,
Iind Floor, Shastri Bhavan Annexure,
26, Haddows Road,
Chennai 600 006.

2.The District Collector, Villupuram District.

3.The Tahsildar, Office of the Tahsildar,
Marakkanam, Villupuram District. ... Respondents in All WPs

Petitions filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorarified Mandamus, calling for the records of the District Collector, Villupuram, 2nd respondent herein in file No.1155/B/2015 dated 13.06.2016 and quash the same and consequently directing the 2nd respondent not to take any coercive steps from evicting the petitioner from the Shrimp Farm in S.Nos.403/2, 662/1A,1B, 662/2, 671, 672/2, 3, 4, 661/23, 673/2, 675/3, 4 an extent of 6.70.0 Ares (in WP 21316/2016) in survey No.650/7 an extent of 1.16.0ha (in WP 21317/16), Survey No.676/2, 677,678/1, on extent of 3.33.0 Ares (in W.P.21318/10), in Survey No.650/7 on extent of 0.16.0ha (in W.P.21319/10), in Survey No.30/1, 3.33./4A,30/4A, 30/4B, 30/5A,30/5B, 31/3,31/4A,31/4B,26/2.5 on extent of 3.76.5 Ares in (W.P 21320/10) Anumanthai Village, Marakkarnam Taluk, Villupuram District respectively in Nadukuppam Village, Marakkanam Taluk, Villupuram District.

For Petitioners::: Mr.S.Prabakaran SC for
Mr.K.Balakrishnan in All WPs
For Respondents::: Mr.Su.Srinivasan

Assistant Solicitor General for R.1
Mr.P.H.Arvind Pandian
Additional Advocate General
assisted by Mr.K.M.Subramanian
Special Government Pleader
For RR 213 in All WPs

O R D E R

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

The authorities have really acted in pursuance to the order of the National Green Tribunal, Chennai Bench and thus, the petitioners should have approached the said Bench instead of approaching this Court under Article 226 of the Constitution of India in respect of the grievance of an order being passed behind their back. In any case, in substance, what is sought to be assailed here really cannot be the order of the District Collector, who only implemented the order of the National Green Tribunal. The grievance is against the order of the NGT dated 13.06.2016.

2. In view of the Judgment of this Court in W.P.No.34199 of 2015 dated 30.06.2015 (P.S.Jayachandran and another vs. Member Secretary, TNPCB, Chennai and others), the order of the NGT cannot be assailed before us.

3. The writ petition is thus dismissed with liberty either to approach the National Green Tribunal with the grievance or in case the petitioner seeks to assail that order, to do so before the Honourable Supreme Court.

The writ petitions accordingly stand dismissed with the aforesaid liberty. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Coastal Aqua Culture Authority
Shastri Bhavan,
Iind Floor, Shastri Bhavan Annexure,
26, Haddows Road,
Chennai 600 006.

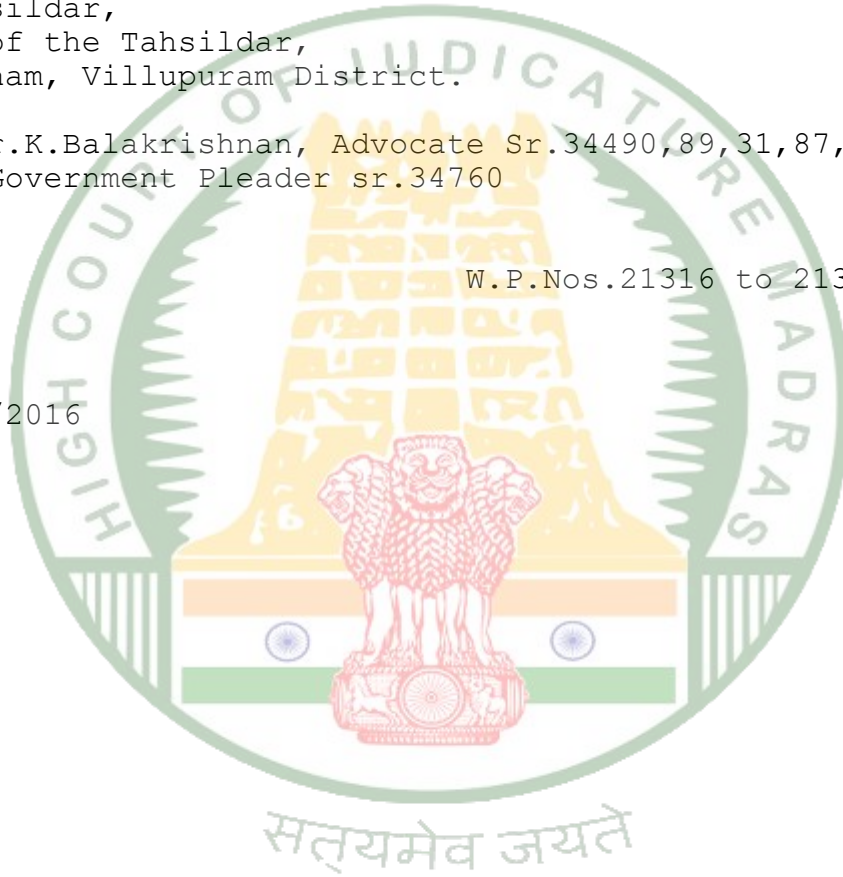
2.The District Collector,
Villupuram District.

3.The Tahsildar,
Office of the Tahsildar,
Marakkanam, Villupuram District.

+5cc to Mr.K.Balakrishnan, Advocate Sr.34490,89,31,87,88
+1cc the Government Pleader sr.34760

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