

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.Nos.22052 & 22053 of 2016

Vibushnan

S/o Purushothaman

.. Petitioner in W.P.No.22052 of 2016

Dhatshinamoorthy

S/o Purushothaman

.. Petitioner in W.P.No.22053 of 2016

-vs-

1. The Coastal Aqua Culture Authority
Shastri Bhavan, II 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 1 to 3 in both the W.P's

W.P.No.22052 of 2016 is 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 District, the second respondent herein culminating in File No.1155/B/2015 dated 13.06.2016, quash the same and further direct the second respondent not to take any coercive steps in evicting the petitioner from the Shrimp Farm in Survey Nos.35/7-8, 35/12-15, 39/8, 39/13, 39/15, 39/17 an extent of 0.58.05 ha., in Anumanthai Village, Marakkanam Taluk, Villupuram District.

W.P.No.22053 of 2016 is 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 District, the second respondent herein culminating in File No.1155/B/2015 dated 13.06.2016, quash the same and further direct the second respondent not to take any coercive steps in evicting the petitioner from the Shrimp Farm in Survey Nos.33/1, 3, 5-7, 9, 33/4B, 33/13-14, 32/13, 30/5B, 30/4A, 30/2A, 30/4B, 31/13, 31/4A, 31/4B an extent of 3.05.5 ha., in Anumanthai Village, Marakkanam Taluk, Villupuram District.

For Petitioners :: No appearance

For Respondents :: Mr.M.K.Subramanian

Special Government Pleader

ORDER

(Order of the Court was delivered by HULUVADI G.RAMESH, J.)

When the matters were taken up, the learned Special Government Pleader for the respondents produced a copy of the order dated 22.6.2016 passed by the First Division Bench in W.P.Nos.21316 to 21320 of 2016 (Ravivarman etc., etc., v. The Coastal Aqua Culture Authority, Chennai and others), wherein the Division Bench has passed the following order:-

"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."

2. Since the petitioners in both the writ petitions are challenging an identical impugned order relating to the shrimp farms located at Anumanthai Village in the respective survey numbers and the issue is squarely covered by the order passed in W.P.Nos.21316 to

21320 of 2016 dated 22.6.2016, both the writ petitions are dismissed with liberty either to approach the National Green Tribunal with the grievance or in case the petitioners seek to assail that order, to do so before the Hon'ble Supreme Court. Consequently, W.M.P.Nos.18845 & 18846 of 2016 are also dismissed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

1. The Coastal Aqua Culture Authority
Shastri Bhavan, II 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

+2 cc to Mr.K.Balakrishnan, Advocate, sr.36447 & 36449

+1 cc to Spl.Govt.Pleader, sr.35922.

kgk(co)
krd 21/7

W.P.Nos.22052 & 22053 of 2016

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