

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. Nos.22446 to 22448 of 2016
and W.M.P.Nos.19155 to 19157 of 2016

V.Kirubanandhan .. Petitioner in W.P.22446/2016
Sadhasivam .. Petitioner in W.P.22447/2016
Mathavan .. Petitioner in W.P.22448/2016

-vs-

- 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 issue of Writ of Certiorarified Mandamus Calling for the records of the District Collector, Villupuram District, the 2nd respondent herein culminating in file No.1155/B/2015 dated 13.06.2016, quash the same and further direct the 2nd respondent not to take any coercive steps in evicting the petitioners from the Shrimp Farm in Survey No.17/1-2, an extent of 0.85.0 in Anumanthai Village at Marakkanam Taluk, Villupuram District; in Survey Nos. 38/1, 2, 3, 5, 7, 8, 9, 11, 12, 13, 39/7, 13, 16, 19, an extent of 1.48.0 ha. in Anumanthai Village at Marakkanam Taluk, Villupuram District; in Survey Nos. 129/1-3, 127/23, 126/22 an extent of 0.75.0 ha. in Oorani Village, Marakkanam Taluk, Villupuram District.

For Petitioners : Mr.K.Balakrishnan
For Respondents : Mr.Su.Srinivasan
Asst. Solicitor Genl., for R-1
: Mr.S.T.S.Murthi, Govt. Pleader,
asst. by Mr.V.Shanmugasundar,
G.A., for RR 2 and 3

O R D E R

(Order of the Court was made by The Hon'ble 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 National Green Tribunal cannot be assailed before us.

3.The writ petitions are thus 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 Honourable Supreme Court.

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

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

sra

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.

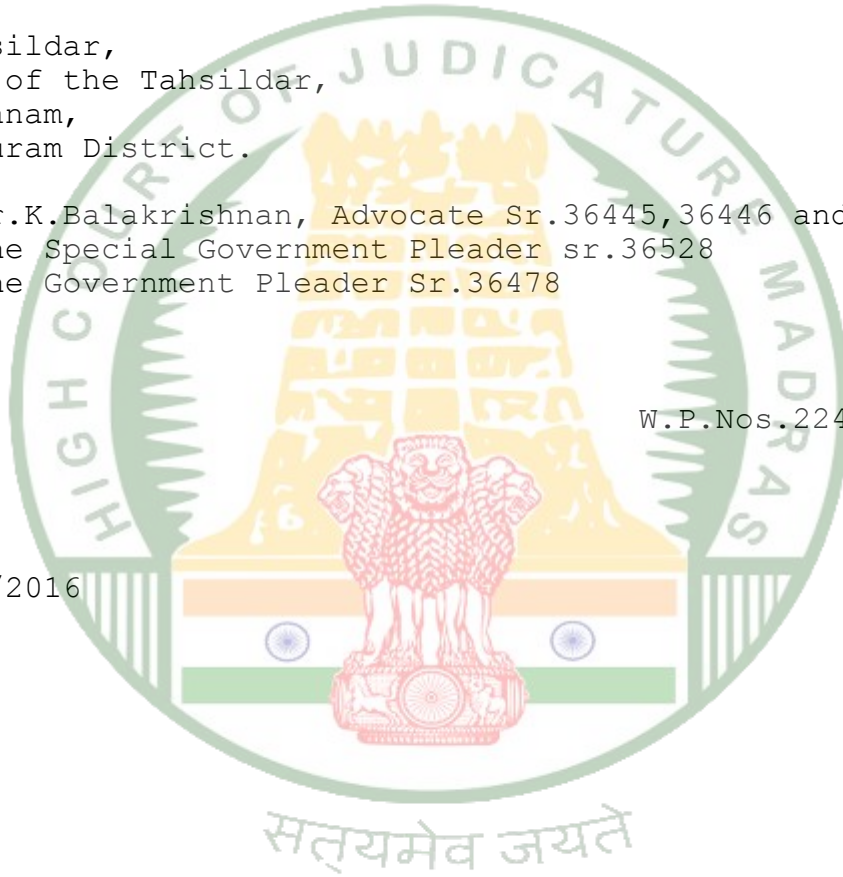
+3cc to Mr.K.Balakrishnan, Advocate Sr.36445,36446 and 36448

+1cc to the Special Government Pleader sr.36528

+1cc to the Government Pleader Sr.36478

W.P.Nos.22446 to 22448
of 2016

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srg 29/06/2016



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