

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. Nos.37043 of 2006 & 8125 & 23122 of 2007

and

M.P.Nos.2,3,4 of 2006 and M.P.Nos.1 & 2 of 2007 and

M.P.Nos.1 to 3 of 2007

W.P.No.37043 of 2006:

1.V.Palanivel

2.Elumalai

... Petitioners

-vs-

1.Union of India,

rep. by Secretary to Government,
Ministry of Environment and Forests,
6th Floor, CGO Complex,
Paryavaran Bhavan, Lodhi Road,
New Delhi.

2.State of Tamil Nadu,

rep. by its Secretary to Government,
Department of Environment and Forests,
Fort St. George, Chennai-600 009.

3.The Tamil Nadu Pollution Control Board,

rep. by its Chairperson,
76, Anna Salai,
Chennai-600 032.

4.The Inspector of Factories,

Semmandalam, Cuddalore-607 001.

5.Chemplast Sanmar Ltd.,

rep. by its Chairperson,
9, Cathedral Road,
Chennai-600 086.

.. Respondents

W.P.No.8125 of 2007:

S.Elumalai

.. Petitioner

-vs-

- 1.Union of India,
rep. by Secretary to Government,
Ministry of Environment and Forests,
6th Floor, CGO Complex,
Paryavaran Bhavan, Lodhi Road,
New Delhi.
 - 2.State of Tamil Nadu,
rep. by its Secretary to Government,
Department of Environment and Forests,
Fort St. George, Chennai-600 009.
 - 3.The Tamil Nadu Pollution Control Board,
rep. by its Chairperson,
76, Anna Salai,
Chennai-600 032.
 - 4.Director,
Department of Environment
in his capacity as
Ex officio Director, Tamilnadu Coastal Zone
Management Authority,
Panagal Building, Saidapet,
Chennai.
 - 5.Chemplast Sanmar Ltd.,
rep. by its Chairperson,
9, Cathedral Road,
Chennai-600 086.
- .. Respondents

W.P.No.23122 of 2007:

The People Legal Awareness and
Consumer Welfare Association,
rep. by its Secretary,
404, School Street,
Sandrorpalayam Village,
Cuddalore.

.. Petitioner

- 1.Union of India,
rep. by Secretary to Government,
Ministry of Environment and Forests,
6th Floor, CGO Complex,
Paryavaran Bhavan, Lodhi Road,
New Delhi.
 - 2.State of Tamil Nadu,
rep. by its Secretary to Government,
Department of Environment and Forests,
Fort St. George, Chennai-600 009.
 - 3.The Tamil Nadu Pollution Control Board,
rep. by its Chairperson,
76, Anna Salai,
Chennai-600 032.
 - 4.The State Industries Promotion
Corporation of Tamilnadu Ltd. (SIPCOT),
rep. by its Managing Director,
19-A, Rukmani Lakshmipathy Salai,
Egmore, Chennai-600 008.
 - 5.The District Collector,
Cuddalore District,
Cuddalore.
 - 6.The Chemplast,
SIPCOT Industrial Complex,
Cuddalore.
- ... Respondents

W.P.No.37043 of 2006 filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari calling for the records in order dated 28.11.2005 in Proceedings No. NIL issued by the first respondent, and quash the same.

W.P.No.8125 of 2007 filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari call for the records and quash the Environmental Clearance dated 19.12.2005 given by the first respondent read with the consent order No.3451 dated 14.09.2006 issued by the third respondent and direct the respondents 1 to 4 not to permit the construction of the Marine Terminal Facility at Chittrapettai Village, Cuddalore District by the fifth respondent without first obtaining the clearance under the Environment Impact Assessment notification SO 1533 dated 14.09.2006.

W.P.No.23122 of 2007 filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari calling for the records relating to the 1st respondent's approval letter dated 28.11.2005 and quash the same.

For Petitioners : Ms.D.Geetha in W.P.37043/2006
Ms.D.Nagasaila in W.P.8125/2007
Mr.K.Sakthivel in W.P.23122/2007

For Respondents : Mr.G.Rajagopal
Addl. Solicitor General
assisted by
Mr.G.Venkatesan, CGSC for R1
in all WPs.
Mr.M.K.Subramanian
Spl. G.P. (Forest) for R2 in
W.P.37043/2006 & 23122/2007 &
R2 & R4 in W.P.8125/2007
Ms.Rita Chandrasekar for R3 in
all WPs.
Mr.V.Shanmugasundar
Govt. Advocate for R4 in
W.P.37043/2006
Mr.Raghunathan for R5 in
W.P.37043/2006 & 8125/2007 &
R6 in W.P.23122/2007
Ms.Sudarsanasundar for R4
in W.P.23122/2007
Mr.V.R.Kamalanathan
Addl. G.P. For R5 in
W.P.23122/2007

C O M M O N O R D E R

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

The learned Additional Solicitor General points out that the challenge to the impugned order has been rejected by the Hon'ble Supreme Court and the present writ petitions were actually transferred to the Hon'ble Supreme Court and dismissed in Civil Appeal No.2284 of 2010, decided on 10.03.2010 (M.Nizamudeen v. M/s.Chemplast Sanmar Limited and others) and other connected matters.

2. In view of the aforesaid, the present writ petitions do not survive as they already stand dismissed. No costs. Consequently, all connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

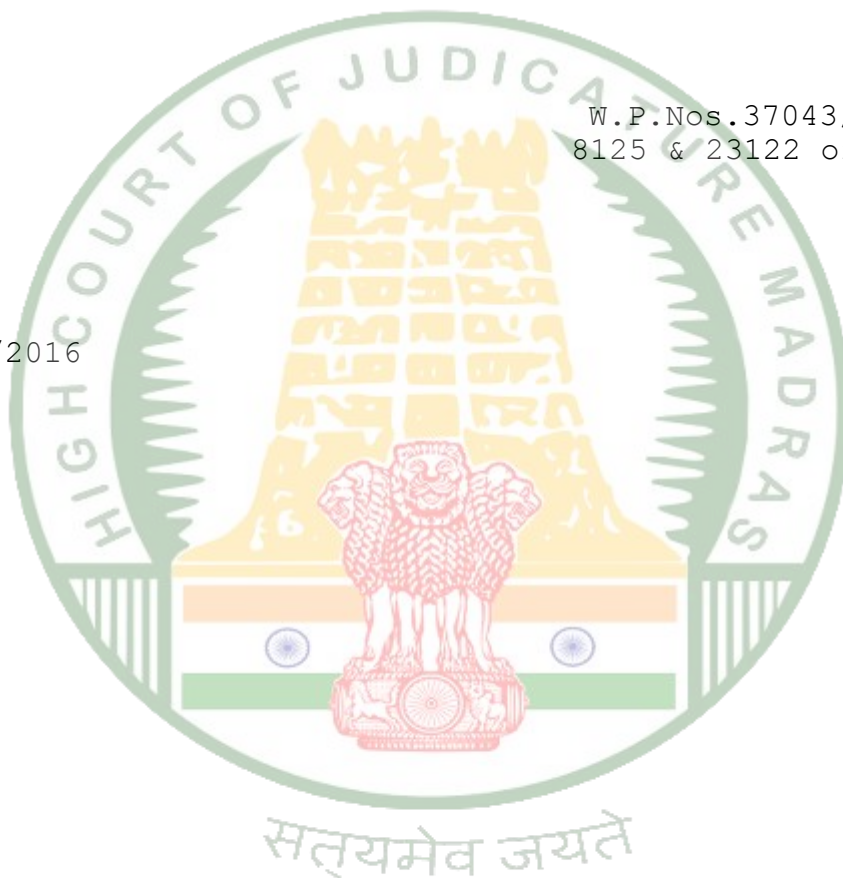
- 1.The Secretary to Government,
Ministry of Environment and Forests,
6th Floor, CGO Complex,
Paryavaran Bhavan, Lodhi Road,
New Delhi.
- 2.The Secretary to Government,
Department of Environment and Forests,
Fort St. George,
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- 3.The Chairperson,
Tamil Nadu Pollution Control Board,
76, Anna Salai,
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- 4.The Managing Director,
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19-A, Rukmani Lakshmipathy Salai,
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- 5.The District Collector,
Cuddalore District,
Cuddalore.

6. The Director,
Department of Environment
in his capacity as
Ex officio Director, Tamilnadu Coastal Zone
Management Authority,
Panagal Building, Saidapet,
Chennai.

+1cc to Mr.G.Venkatesan, Advocate sR.38790
1cc to the Special Government Pleader Sr.38795

W.P.Nos.37043/2006
8125 & 23122 of 2007

vs[co]
srg 23/07/2016



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