

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.43700 OF 2016

ORDER:

Aggrieved by the order, dated 09.07.2015, of State Level Environment Impact Assessment Authority, rejecting the Environmental Clearance Application seeking environmental clearance for establishment of Manganese Mine in Gadabavalasa Village, Garividi Mandal, Vizianagaram District, petitioner filed an appeal before the National Green Tribunal Bench sitting at Chennai. The Office of the Green Tribunal raised objections and returned the appeal on 08.07.2016. This Writ Petition is filed challenging the original order, dated 09.07.2015, of the State Level Environment Impact Assessment Authority.

2. Sri A. Sudharshan Reddy, learned Senior Counsel appearing for the petitioner, submits that aggrieved by the order, dated 09.07.2015, an appeal was filed, but the same was returned and when the same was resubmitted, it was not accepted and therefore, this Writ Petition is filed.

3. Against the order of respondent No.3 - State Level Environment Impact Assessment Authority, an appeal lies to National Green Tribunal under Section 18 of the National Green Tribunal Act, 2010 (for short, 'the Act'). It appears that the petitioner availed the remedy available to it, but without taking further steps on the office objections, approached this Court.

4. As seen from the endorsement of the Registry of the National Green Tribunal, it appears that the office of the National Green Tribunal raised certain objections. It is mandatory for the petitioner to comply with the said objections and represent the appeal before the Green Tribunal, but without complying with the objections raised by the office of the Green Tribunal, the petitioner cannot invoke the jurisdiction of this Court circumventing the provisions of the Act. Thus, the Writ Petition, in the present form, is not maintainable.

5. Accordingly, the Writ Petition is dismissed leaving it open to the petitioner to represent the appeal by duly complying with the objections raised by the office of the Green Tribunal and if the petitioner complies with all the requirements of preferring such appeal, on representation of the appeal, office of the Green Tribunal shall process the same in terms of the procedure envisaged.

6. Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed. There shall be no order as to costs.

December 21, 2016.
MD

P. NAVEEN RAO, J