

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2017

CORAM

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL
AND
THE HONOURABLE Mr. JUSTICE P.D.AUDIKESSAVALU

W.P.No.214 of 2003
and
WPMP.No.235 of 2003

ST - CMS Co., Environmental & Affected
Welfares Associations, Rep. By its Secretary,
Dr.Govindhasamy
Uthangal Village and Post,
Virudhachalam,
Cuddalore District. Petitioner

Vs.

1. The Chairman,
Tamilnadu Pollution Control Board,
Madras - 32
2. The District Environmental Engineer,
Tamilnadu Pollution Control Board,
Cuddalore
3. The District Collector,
Cuddalore
4. The Chairman & Managing Director,
Neyveli Lignite Corporation,
Neyveli, Cuddalore District
5. M/s ST-CMS Electric Company,
Uthangal Village,
Virudhachalam Taluk,
Cuddalore District ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus in directing the 1st Respondent to revoke the Consent Order no.1194 dated 02.06.1998 given to 5th Respondent under Section 25 of the T.N.Water (Prevention and Control of Pollution) Act of 1974 and Consent Order No.1145 for clearing Air Pollution and further direct the 5th respondent to decommission his Thermal Power Project at Uthangal Village, Virudhachalam Taluk.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mrs.Rita Chandrasekaran for R1 and R2
Mr.M.Elumalai for R3
Government Advocate
Mr.Nithyanandam for R4
Mr.Arun Anbumani for R5

O R D E R

[Order of the Court was made by M.VENUGOPAL, J.]

Heard both sides. The main Writ Petition itself is taken up for final disposal by consent of the parties.

2. As against the Order of Consent given to the 1st Respondent vide Consent No.1194 dated 02.06.1998 granted under Section 25 of Tamilnadu Water (Prevention and Control of Pollution) Act of 1974 and Consent Order No.1145 for clearing Air Pollution etc., the Petitioner, as per Section 31 of the Air (Prevention and Control of Pollution Act) 1981 is having an effective, efficacious, viable and alternative remedy to prefer an Appeal before the Appellate Authority/ Pollution Control Board, Chennai.

3. It comes to be known that as on date, the Consent, which was renewed from time to time, lastly renewed on 17.07.2017, which is valid up to 31.03.2020.

4. In view of the fact that the Petitioner has an effective and viable remedy of preferring an Appeal as stated supra as per Section 31 of the Air (Prevention and Control of Pollution Act) 1981 and furthermore, even after expiry of period of limitation, namely, 30 days to prefer an Appeal before the Appellate Authority, the Appellate Authority, in law if sufficient cause is shown for not preferring an Appeal in time, then, he can condone the same to secure the ends of justice.

5. In view of the foregoing, it is open to the Petitioner to prefer an Appeal before the Appellate Authority / Pollution Control Board, Chennai, if it is aggrieved against the last Order of Renewal dated 17.07.2017 where it has been renewed till 31.03.2020, if it so desires / advised. If such an Appeal is filed, the Appellate Authority / Pollution Control Board, Chennai shall look into and dispose of the same by passing a reasoned speaking order on merits, of course, after providing necessary opportunity to the Petitioner and others, as expeditiously as possible by adhering to the 'Principles of Natural Justice'.

In fine, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ssd

To

1. The Chairman,
Tamilnadu Pollution Control Board,
Madras - 32
2. The District Environmental Engineer,
Tamilnadu Pollution Control Board,
Cuddalore
3. The District Collector,
Cuddalore
4. The Chairman & Managing Director,
Neyveli Lignite Corporation,
Neyveli, Cuddalore District

+lcc to Mr.V.Raghavachari, Advocate, S.R.No.54878
+lcc to Mrs.Rita Chandrasekaran, Advocate, S.R.No.55294
+lcc to Mr.N.Nithyanandam, Advocate, S.R.No.55192

W.P.No.214 of 2003
and

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CP(CO)
CA(28/08/2017)

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