

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2017

CORAM :

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

W.P. No.42201 of 2016
and
W.M.P.Nos.36107 and 36108 of 2016

CREDAI CHENNAI

Rep. By its President Suresh Krishn

... Petitioner

-Vs-

1. Government of India
Ministry of Environment & Forests,
CGO Complex, Lodhi Road,
New Delhi 110 003.
2. Chennai Metropolitan Development
Authority, Rep. By its Member Secretary,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.
3. Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai 600 032.
4. State Level Environment Impact
Assessment Authority, 3rd Floor,
Panagal Maaligai, No.1, Jeenis Road,
Saidapet, Chennai 600 015.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Declaration to declare that the Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) Act, 1974, are inapplicable to residential construction projects and that the actions of the respondents in applying the same to residential construction projects is unconstitutional.

For Petitioner : Mr.Satish Parasaran, Senior Counsel
for Mr.R.Parthasarathy

For Respondents : Mr.V.T.Balaji for R-1
: Mr.N.Sampath for R-2
: Mr.Kalayanaraman for R-3

O R D E R

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

Learned Senior Counsel for the petitioner, on instructions, states that in view of the notification issued on 09.12.2016, the construction of residential building upto 1,50,000 sq.mtrs. has been exempted from purview of the Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981. He submits that this takes care of practically most of the cases, but the issue would remain qua cases where construction exceeds 1,50,000 sq.mtrs.

2.In view of the aforesaid position, we are not inclined to maintain the writ petition any further. If there is any affected party as stated aforesaid, that party may approach the Court.

Writ petition is, accordingly, closed. Consequently, W.M.P.Nos. 36107 and 36108 of 2016 also stand closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Government of India
Ministry of Environment & Forests,
CGO Complex, Lodhi Road,
New Delhi 110 003.
2. The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Egmore, Chennai 600 008.

3. The Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai 600 032.

4. The State Level Environment Impact
Assessment Authority, 3rd Floor,
Panagal Maaligai, No.1, Jeenis Road,
Saidapet, Chennai 600 015.

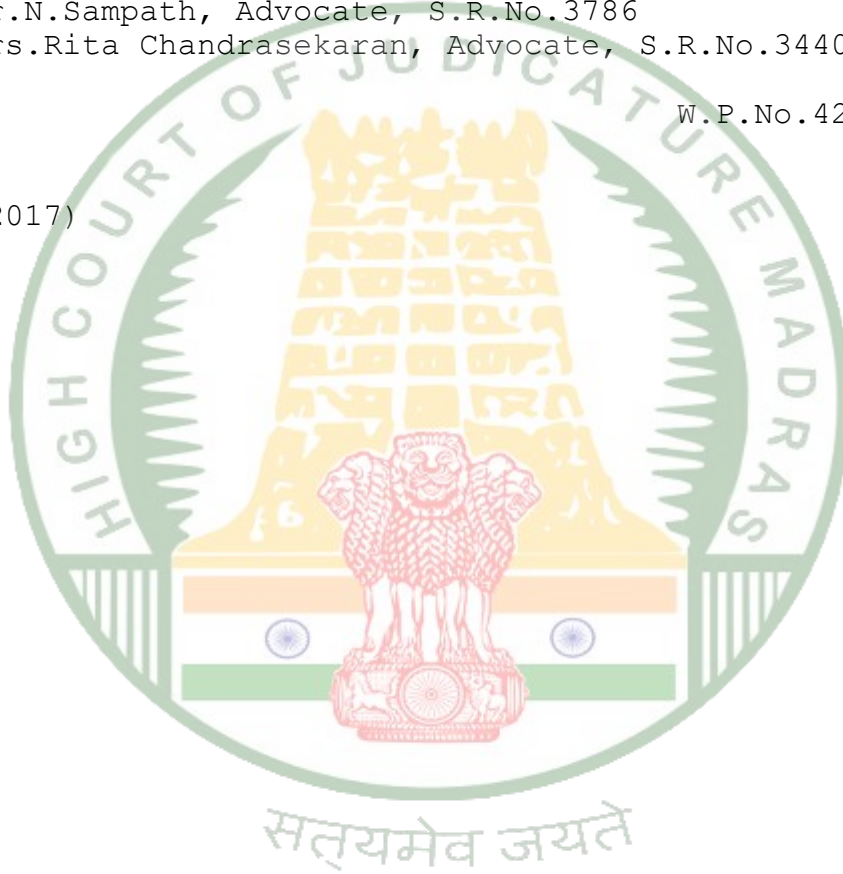
+lcc to Mr.V.T.Balaji, Advocate, S.R.No.3424

+lcc to Mr.N.Sampath, Advocate, S.R.No.3786

+lcc to Mrs.Rita Chandrasekaran, Advocate, S.R.No.3440

W.P.No.42201 of 2016

SSI (CO)
CA(31/01/2017)



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