

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P. No. 23810 of 2018
and
W.M.P. No. 27750 of 2018

The Government of Tamil Nadu
Rep. By its Principal Secretary to Govt,
Environment and Forest Department,
Secretariat, Chennai 600 009 ...Petitioner

Vs.

1. Union of India,
Rep. By its Principal Secretary to Govt,
Ministry of Water Resources, River Development,
& Ganga Rejuvenation (Ground Water),
No. 635, Shram Sakthi Bhawan,
Rafi Marg, New Delhi - 110 001.
2. Central Ground Water Board,
Rep by its Regional Director,
South Eastern Coastal Region,
E Wing, G Block, Rajaji Bhawan,
CGO Complex, Beasant Nagar,
Chennai - 600 090. ...Respondents

Prayer: Writ Petition filed under Article of 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records pertaining to the study report tiled as "Report on Short Term Investigation of Groundwater Quality in and around SIPCOT Industrial Area, Tuticorin, Tuticorin District, Tamil Nadu" submitted by the office of the 2nd respondent in July 2018 and which is referred in office memorandum bearing F.No. T. 28011/6/2018 - GW Section dated 28.08.2018 sent by the 1st respondent to the petitioner and to quash the same.

For Petitioner : Mr. P.H. Arvindh Pandian, AAG
assisted by Mr. V. Kathirvelu, Spl. GP

For Respondents : Mr.G.Rajagopalan,
Addl. Solicitor General
assisted by
Mr.Venkataswamy Babu
for R1 and R2

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The State of Tamil Nadu has come forward to file this writ petition challenging the Report submitted by the office of respondent No.2.

2. Before this Court, the learned Additional Advocate General appearing for the petitioner would submit that there is a mutual contradiction in the Report as well as the affidavit filed on behalf of the respondent no 2. When the premises in question has not been inspected and samples were not taken, there cannot be any finding with respect to the pollution said to have been caused by it.

3. The learned Additional Solicitor General appearing for the respondents would submit that it is merely a Report and any challenge would lie before the Apex Court in the teeth of Article 131 of the Constitution of India.

4. After hearing, we are not inclined to entertain this writ petition. What has been challenged is only a Report. Therefore, it is for the petitioner either to accept it or disregard it. This being a Report, it is certainly not binding on the petitioner. Now, the matter is at rest before the National Green Tribunal. In the event of this report being relied upon, it is open to the petitioner to question it in the manner known to law.

5. Accordingly, this writ petition stands disposed of with the above said observations leaving the issues open, including the contentions sought to be raised on behalf of the petitioner before us. We make it clear that all the contentions are left open to the petitioner in the event of any other party placing reliance upon the Report. We also note that the industry which

is alleged to have been causing pollution is also not before us and, therefore, we are not willing to express anything on merit. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ssm

To

1. The Principal Secretary,
Ministry of Water Resources, River Development,
& Ganga Rejuvenation (Ground Water),
No. 635, Shram Sakthi Bhawan,
Rafi Marg, New Delhi - 110 001.
2. The Regional Director,
Central Ground Water Board,
South Eastern Coastal Region,
E Wing, G Block, Rajaji Bhawan,
CGO Complex, Beasant Nagar, Chennai - 600 090.

W.P. No. 23810 of 2018

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