

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 27.08.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P.No.17447 of 2018
and WMP.Nos.20731 and 20732 of 2018
and WMP.No.21401 of 2018

J.Durairaj

..Petitioner

Vs

1.The State of Tamil Nadu
Rep. By its Secretary
Public Works Department
Secretariat
Fort St.George
Chennai-600 009

2.The District Collector
Thiruvallur District
Thiruvallur

3.The Assistant Director
Geology and Mining
Thiruvallur District
Thiruvallur

4.Revenue Divisional Officer
Thiruvallur District
Thiruvallur

5.The Tahsildar
Uthukottai Taluk
Thiruvallur District

6.The Executive Engineer
Arani River Basin Division, Public Works Division
Chepauk, Chennai-600 005

7.Stalin

..Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, to call for the records of the impugned order dated 23.06.2018 in

Na.Ka.No.1679/2013, Kanimam passed by the 2nd respondent and to quash the same and consequently direct the official respondents to level the pits in the Kannigeiper lake and also remove the blocks in the sluice within a stipulated time.

For Petitioner : Mr.V.Raghavachari for
Mr.C.Prabakaran

For Respondents: Mr.E.Manoharan,
Additional Government Pleader
for R1 to R5.
M/s.Sai Sathiyajith for R7.

ORDER

(ORDER of the Court was made by HULUVADI G.RAMESH,J.)

Heard both sides and this Court perused the grounds raised by the Writ Petitioner and also the counter affidavit filed by the 2nd respondent/District Collector, Tiruvallur District.

2. Mr.E.Manoharan, the learned Additional Government Pleader appearing for Respondents 1 to 6 submits that the proper forum to redress the grievance of the Petitioner is the National Green Tribunal. However, due to non-functioning and non-appointment of a Member to the National Green Tribunal, the present writ petition has been filed before this Court. He further submits that now it is learnt that the matters regarding environment protection are taken up in regular basis through Video Conferencing or some other method.

3. In that view of the matter, it is redundant for us to entertain the matter to finalise the things before us as the matter has to be adjudicated before the Appropriate Adjudicating Forum. Hence, it is for the petitioner to move the National Green Tribunal for redressal of his grievance and seek appropriate relief. It is needless to observe that the Tribunal shall consider the case of the petitioner on merits and in accordance with law. However, the interim order of stay already granted by this Court shall continue for a period of two weeks from today.

4. The Writ Petition is disposed of accordingly. No costs. Consequently, connected MPs are closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

nvsri

To

1.The Secretary
Public Works Department
Secretariat
Fort St.George
Chennai-600 009

2.The District Collector
Thiruvallur District
Thiruvallur

3.The Assistant Director
Geology and Mining
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4.Revenue Divisional Officer
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5.The Tahsildar
Uthukottai Taluk
Thiruvallur District

6.The Executive Engineer
Arani River Basin Division
Public Works Division
Chepauk, Chennai-600 005

+lcc to Mr.Prabakaran, Advocate SR.No.58676

+lcc to Mr.S.Saisathyajith, Advocate Sr.No.59002

+lcc to Government Pleader Sr.No.58539

KGK(CO)

sm:11.9.2018

सत्यमेव जयते

W.P.No.17447 of 2018

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