



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2018

CORAM:

**THE HONOURABLE MR.JUSTICE C.T.SELVAM
AND
THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED**

W.P.[MD].No.11073 of 2018

and

W.M.P.(MD).Nos.10147 to 10149 of 2018

Arasu Soman,
S/o.Soman, District Convener,
Aam Aadmi Party,
KVC Tower, College Road,
Near Income Tax Office,
Karaikudi, Sivagangai District. : Petitioner

Vs.

1. The Sub-Divisional Magistrate,
Devakottai.
2. The Superintending Engineer,
Public Works Department, WRO,
Lower Vaigai Basin Circle,
Sivagangai.
3. The Managing Director,
The TCP Limited,
"Sapthagiri Bhavan",
New No.4, Old No.10, Karpagambal Nagar,
Mylapore, Chennai 600 004. : Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to invoke the Section 133 Cr.PC., in order to ensure unpolluted soil and ground water based on the report of the Central Pollution Control Board, dated 17.11.2015.



For petitioner : Mr.RM.Arun Swaminathan
For respondents 1&2 : Mr.M.Pandiarajan
Additional Government Pleader
For Respondent No.3 : Mr.R.Parthasarathy

O R D E R

[Order of the Court was made by C.T.SELVAM, J.]

This Writ Petition informs of much environmental harm being caused by the third respondent company and seeks a Writ of Mandamus directing the first respondent to invoke Section 133 of the Code of Criminal Procedure, in order to ensure unpolluted soil and ground water based on the report of the Central Pollution Control Board, dated 17.11.2015.

2. It is seen that the issue has engaged the attention of the National Green Tribunal. Learned counsel for the petitioner submits that being dissatisfied with the reports submitted by the Tamil Nadu Pollution Control Board, the National Green Tribunal, as part of its proceedings dated 14.09.2015, had directed the Central Pollution Control Board to file a report to the National Green Tribunal and pursuant to the receipt of such report, the National Green Tribunal has disposed of the matter, directing *inter alia* as follows:-

"To take steps to remove accumulated silt in Periya Kanmoi which is contributing obnoxious odour in the surrounding, the removed silt shall be analyzed, if it contains any harmful chemicals the same shall be sent to TSDP, after obtaining permission from TNPCCB.

To take steps to restore ground water quality in the Kovilur Village, which is located adjacent to Periya Kanmoi and contaminated due to stagnation of polluted water in the Periya Kanmoi.

To take up detailed ground water quality study through either National Ground Water Research Institute, Hyderabad or through any reputed institutes to ascertain the extent of ground water pollution to take up remediation of the same to restore the water quality in the area".



3. Learned counsel for the petitioner does not dispute position that the National Green Tribunal has powers to enforce the compliance of its orders. When so, this Court considers this Writ Petition untenable. Accordingly, the Writ Petition shall stand dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Sub-Divisional Magistrate,
Devakottai.

2. The Superintending Engineer,
Public Works Department, WRO,
Lower Vaigai Basin Circle,
Sivagangai.

+3 CC to Mr.ARUN SWAMINATHAN, Advocate in SR.No.71840,71665

+1 CC to Mr.R.PARTHASARATHY, Advocate in SR.No.71378

+1 CC to Mr.M.PANDIARAJAN, Advocate in SR.No.71745

+1 CC to the Special Government Pleader, SR.No.71520

NB

RJ/SKN/RSK/SAR-3/17/07/2018 - 3P/9C

ORDER MADE IN
W.P. [MD] .No.11073 of 2018
05.07.2018