

THE HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
THE HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

WRIT APPEAL No.807 of 2018

JUDGMENT: (Per the Hon'ble the Chief Justice Sri Thottathil B. Radhakrishnan)

We have heard the learned Senior Counsel for the appellant quite in extenso. We have also heard in extenso the learned counsel appearing for the first respondent/writ petitioner as well as the learned Government Pleader for Environment (AP) appearing for the second respondent.

2. The sum and substance of the Writ Petition from which this Writ Appeal arises is the plea of an Association that processing charges in terms of S.O.4001(E), dated 20.12.2017, issued by the Ministry of Environment, Forest and Climate Change is not to be enforced against the stone crushing industries whose cause the writ petitioner seeks to espouse.

3. Learned single Judge has granted the impugned interlocutory order in favour of the writ petitioner to the effect that, there shall be an interim suspension of the said decision which is impugned in the Writ Petition.

4. At the outset, we may notice that the writ petitioner is an Association. The matter relates to levy and demand of certain charges which is called, processing charges. Individual claims to be adjudicated in writ jurisdiction appears to be the settled norm in such matters. Collective litigation including a

representative action through Associations need not necessarily bring relief to all. As a necessary converse, the order issued in writ jurisdiction in such Writ Petitions need not necessarily bind all persons who would be establishing and running stone crushing industries.

5. Be that as it may, we see that different submissions are made by the learned Government Pleader as well as learned counsel for the writ petitioner on the scope and amplitude of Ex.P6 – Government Order in G.O.RT.No.3 as well as clause 9 of the aforementioned Notification of the Ministry of Environment, Forest and Climate Change.

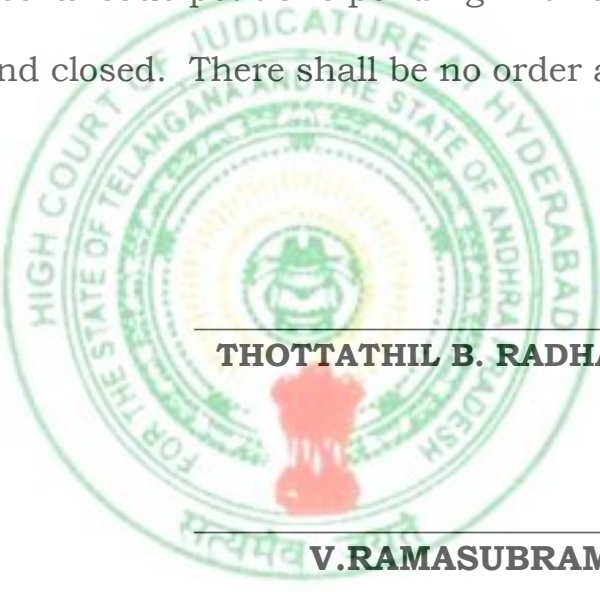
6. Keeping aside all the contentions between the appellant, which is the State Level Environment Impact Assessment Authority, and the writ petitioner, which is the first respondent herein, we are of the view that the balance of convenience is in favour of maintaining an interlocutory order to the effect that all payments made by any of the members of the first respondent/writ petitioner in consonance with G.O.RT.No.3, dated 04.01.2016, will be subject to the result of the Writ Petition, namely W.P.No.2011 of 2018. The impugned order is vacated and I.A.No.1 of 2018 in W.P.No.2011 of 2018 will stand ordered accordingly.

7. We record the submission of the learned counsel for the writ petitioner that the learned single Judge may consider expeditious disposal of the Writ Petition for which a request

would be made before the learned single Judge. We also record the further submission on behalf of the writ petitioner that the appropriate authority in the Government of India will be impleaded as an additional respondent, since we are of the view that such impleadment is necessary to bring the Ministry of Environment, Forest and Climate Change, which is proper party in the matter.

The Writ Appeal is, accordingly, allowed.

The miscellaneous petitions pending in this Writ Appeal, if any, shall stand closed. There shall be no order as to costs.



THOTTATHIL B. RADHAKRISHNAN, CJ

V.RAMASUBRAMANIAN, J

02.08.2018

vs