

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.08.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 14660 of 2010

V.Dhayalamani
Managing Trustee
"The Umbrella"

7(1)/27, Vakkil Soundiah Street,
Aruppukkottai 626 101
Virudhunagar District.

..Petitioner

Vs

1. The Union of India
Rep. by Secretary to Government
Ministry of Environment & Forests
Government of India,
Paryavaran Bhawan, Lodhi Road,
New Delhi

2. The Director (EE)
EE Division
Ministry of Environment & Forests,
Government of India,
1025, Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi.

3. The State of Tamil Nadu
Rep. by Secretary to Government
Ministry of Environment & Forests
Fort St.George, Secretariat
Chennai 600 009.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus, calling for the records relating to the Office Memorandum dated .04.2010 of the 2nd respondent and quash the same and consequential direct the 1st and 2nd respondents to consider the representations dated 09.03.2010 and 23.04.2010 of the Petitioner for grant-in-aid forthwith and release the grant as requested to enable the Petitioner Organization to conduct its activities smoothly.

For Petitioner : Mr.A.R.Karthik Lakshmanan
for M/s.AL.Gandhimathi

For Respondents:Mr.K.Gunasekar
Senior Panel Counsel Central Government
for R1 & R2.
J.Ramesh, AGP.
For R3.

O R D E R

The prayer sought for in this Writ Petition is for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Office Memorandum dated .04.2010 of the 2nd respondent and quash the same and consequentially direct the 1st and 2nd respondents to consider the representations dated 09.03.2010 and 23.04.2010 of the Petitioner for grant-in-aid forthwith and release the grant as requested to enable the Petitioner Organization to conduct its activities smoothly.

2. The case of the petitioner is that the petitioner is the Managing Trustee of "The Umbrella" which is a Voluntary Organization, registered under the Tamil Nadu Registration Act with Registration No. 1121/2009. The said Voluntary Organization was established on 01.01.2006 and the same was found by the Petitioner with 4 Trustees, with main object of bringing awareness in the minds of public in respect of Environment and Forests. The other objects of the Organization are to proclaim the Environment activities and make awareness among the public to protect forest and to prevent the public from air, water, noise and wild life pollutions and to print and publish pamphlets, booklets and books containing matters intending to make awareness of the necessity of Environment and Forests and to help the disabled persons by encouraging them to live their lives with self-confidence.

3. The learned counsel appearing for the petitioner would submit that the coastal areas in India are highly resourceful and have dynamic eco-systems, sensitive development pressures. As a consequence of indiscriminate industrialization and urbanization without the requisite pollution control systems, the coastal waters are highly polluted. The high pollution growth and lack of adequate infrastructure facilities for the residence population are some of the causes responsible for the deterioration in Environmental quality in the coastal areas. The developmental activities in the Coastal areas also caused short term and long term physical, chemical and biological changes. In order to create awareness among the people in respect of pollution measures and the importance of the Environment and Forests, the "The Umbrella" was formed by the Petitioner herein.

Pursuant to the formation of the above Organization by the petitioner, various pamphlets, books and notices were published and about 25 employees are employed for conducting the Tour programmes and all the expenses were borne by the said Organization. In order to further develop the Organization, a Resolution was passed by the Trustees on 30.09.2009, unanimously deciding to send an application for grant-in-aid to the Ministry of Environment and Forests, Government of India, New Delhi through the State Government. Further, a sum of Rs.86,25,000/- already spent for various activities of the Trust was also revolved to be claimed as grant. Pursuant to the said Resolution, the petitioner herein submitted an application for grant-in-aid in the prescribed format to the 1st Respondent through the 3rd Respondent on 01.10.2009 with all requisite particulars and required documents. The said application was also acknowledged by the Respondents. In reply to the same, the 3rd Respondent sent a letter to the Petitioner on 29.10.2009 informing the petitioner that the proposal received from their Organization was forwarded to them. Subsequently, again by letter dated 26.11.2009, the 3rd respondent informed the petitioner that a Voluntary Organization by name 'The Umbrella' was inspected and they came to a conclusion that for the activities of the said Organization, the grant-in-aid may be given by the 1st Respondent. However, till date, there is no response from either of the Respondents and Petitioner herein was awaiting favourable orders from the Respondents.

4. Hence, in the aforesaid circumstances, the petitioner was constrained to file a Writ Petition in W.P.No. 2065 of 2010 praying for a Writ of mandamus directing the Respondents 1 and 3 to consider his application dated 01.10.2009. The said writ petition came up for hearing before this Court and this Court, by an order dated 24.02.2010, was pleased to dispose of the writ petition directing the 1st respondent to consider the representation of the Petitioner dated 01.10.2009 within a period of 8 weeks from the date of receipt of a copy of the said order. The order was also communicated to the 1st Respondent. However, the 1st Respondent had not sent any reply for about 8 weeks. Hence, the petitioner again made representations on 09.03.2010 and 23.04.2010 requesting the 1st respondent to consider the representation and release the grant-in-aid.

5. Thereafter, the 2nd respondent herein, by an Office Memorandum dated .04.2010 had rejected the application alleging that the Trust of the Petitioner was registered only on 30.09.2009 and as per the guidelines of the Ministry, the petitioner is eligible for consideration for release of grant-in-aid for environmental awareness programmes only after 3 years of its registration, on submission of applications under different programmes in prescribed form along with audited

statements of accounts for the preceding 3 years, challenging the same, the present writ petition is filed.

6. The learned counsel appearing for the respondents would submit that the application/representation dated 01.10.2009 of "the Umbrella" requires release for Rs. 86,25,000/- in total as grant-in-aid. But the Ministry is eligible to release a sum of Rs. 41,25,000/- only excluding the amount of Rs.45,00,000/- paid as salary by the Petitioner's organization according to the provisions of this Ministry.

7. The learned counsel appearing for the petitioner also conceded with the submissions of the learned counsel appearing for the respondents and prayed that this Court may issue a direction to the respondents to implement the para 4 of counter within a time frame fixed by this Court.

8. The learned counsel appearing for the respondents would submit that this Court shall grant time to the respondents to consider the application and pass orders based on the limited request made by the learned counsel appearing for the petitioner.

9. This Court is inclined to direct the 2nd respondent to pass order in terms of the paragraph No.4 of the counter affidavit filed by the respondents 1 and 2 within a period of 8 weeks from the date of receipt of a copy of this order.

10. With the above direction, the present writ petition stands disposed of. No costs.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

kmm

To

1. The Secretary to Government
Union of India
Ministry of Environment & Forests
Government of India,
Paryavaran Bhawan, Lodhi Road,
New Delhi

2. The Director (EE)
EE Division
Ministry of Environment & Forests,
Government of India,

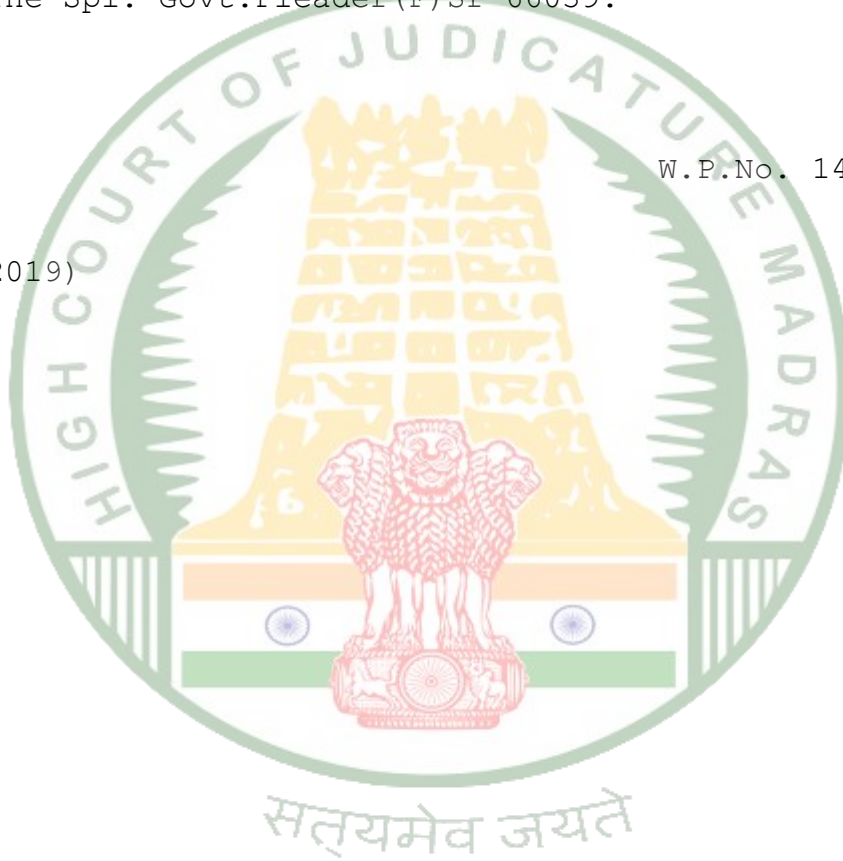
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3. The Secretary to Government
State of Tamil Nadu
Ministry of Environment & Forests
Fort St.George, Secretariat
Chennai 600 009.

+1 CC to Mr.K.Gunasekar, Advocate sr 66101
+1 CC to M/s.A.L. Gandhimathi, Advocate sr 66038
+1 CC to The Spl. Govt.Pleader(F) Sr 66039.

W.P.No. 14660 of 2010

RK(CO)
SP(30/10/2019)



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