

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2019

CORAM:

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
and
THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

W.P.No.3439 of 2014 and W.P.No.821 of 2014

W.P.No.3439 of 2014:

M/s.Sree Maruthi Granites
Sy.No.55/1, Byndahalli,
Kadabagere Post,
Bangalore.
(Appeal No.100/2013)

... Petitioner

vs.

1. National Green Tribunal (Southern Bench),
rep. by its Deputy Registrar,
Arumbakkam, Chennai.
 2. The Chairman,
Karnataka Pollution Control Board,
"Parisara Bhavana", 1st to 5th Floors,
49, Church Street,
Bengaluru - 560 001.
 3. BESCOM (Bangalore Electricity Supply Company Limited),
rep. by its Managing Director,
K.R.Circle, Bangalore - 560 001.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of Declaration, propounding the order of the 1st Respondent dated 06.12.2013 as perverse and illegal and that of the 2nd Respondent, dated 29.07.2013 as being forged (U/s 463 I.P.C.) and as such illegal, and concede the relief sought by the Petitioner in M.A.Nos.252 to 265 of 2013 and oral and written arguments' in Appeal No.100 of 2013 on the file of the 1st Respondent.

W.P.No.821 of 2014:

1. M/s.Sree Divya Granites,
Sy. No.55/1, Bynadahalli,
Kadabagere Post,
Bangalore North Taluk,

Bangalore.
(Appeal No.98/2013)

2. M/s.Sree Maruthi Granites
Sy.No.55/1, Bynadahalli,
Kadabagere Post,
Bangalore North Taluk, Bangalore.
(Appeal No.100/2013)

(Writ Petition stands dismissed as withdrawn as per order
dated 25.03.2014 in W.P.No.821 of 2014 in
respect of the 2nd Petitioner)

3. M/s.Byraveshwara Granites
Sy.No.55/2, Bynadahalli,
Kadabagere Post,
Bangalore North Taluk, Bangalore.
(Appeal No.101/2013)
4. M/s.Rajashree Rocks,
Sy.No.152/2, Kadabagere Village,
Bangalore North Taluk, Bangalore.
(Appeal No.105/2013)
5. M/s.Navarathana Granites,
Sy.No.152/2, Kadabagere Village,
Bangalore North Taluk, Bangalore.
(Appeal No.106/2013)
6. M/s.Matheswari Granites,
Sy.No.152, Kadabagere Village,
Bangalore North Taluk, Bangalore.
(Appeal No.107/2013)
7. M/s.Lakshmi Narasimha Granites,
Sy.No.152/2, Kadabagere Village,
Bangalore North Taluk, Bangalore.
(Appeal No.108/2013)
8. M/s.Shree Shakthi Enterprises,
Sy.No.152, Kadabagere Village,
Bangalore North Taluk, Bangalore.
(Appeal No.109/2013)
9. M/s.Shree Om Shakthi Granites,
Sy.No.152/2, Kadabagere Village,
Bangalore North Taluk, Bangalore.
(Appeal No.110/2013)

10. M/s.Vinayaka Granites
Sy.No.152/2, Kadabagere Village,
Bangalore North Taluk, Bangalore.
(Appeal No.111/2013)
11. M/s.Shree Srinivasa Granites,
Sy.No.150/2, Kadabagere Post,
Bangalore North Taluk, Bangalore.
(Appeal No.112/2013)
12. M/s.Shree Balaji Granites
Sy.No.152/2, Kadabagere Village,
Bangalore North Taluk, Bangalore.
(Appeal No.113/2013)
13. M/s.Ganesha Granites
Sy.No.55/1, Byndahalli,
Kadabagere Village,
Bangalore North Taluk, Bangalore.
(Appeal No.156/2013)
14. M/s.Sri Sapthagiri Granites,
Sy.No.43/1, Byndahalli,
Kadabagere Village,
Bangalore North Taluk, Bangalore.
(Appeal No.157/2013)
15. M/s.Sri Manjunatha Swamy Granites,
Sy.No.51/2, Byndahalli,
Kadabagere Village,
Bangalore North Taluk, Bangalore.
(Appeal No.158/2013)

... Petitioners

vs.

1. National Green Tribunal (Southern Bench),
rep. by its Deputy Registrar,
Arumbakkam, Chennai.
2. Union of India,
rep. by its Law Secretary,
North Block, New Delhi.
3. The Chairman,
Karnataka Pollution Control Board,
"Parisara Bhavana", 1st to 5th Floor,
49, Church Street,
Bengaluru - 560 001.

4. The Chief Secretary,
Government of Karnataka,
Secretariat, Bangalore.
 5. BESCOM (Bangalore Electricity Supply Company Limited),
rep. by its Managing Director,
K.R.Circle, Bangalore - 560 001.
 6. The Secretary to Government,
Rural Development Department,
Secretariat, Bangalore.
 7. The Secretary to Government,
Environment & Bio-technology,
M.S.Building, Bangalore.
 8. The Secretary to Government,
Commerce & Industries Department,
Secretariat, Bangalore.
 9. The Secretary to Government,
Revenue Department,
M.S. Building, Bangalore.
 10. The Commissioner,
Bangalore Development Authority,
Bangalore.
 11. The Chairman,
Bangalore Water Supply & Sewerage Board,
Bangalore.
 12. The Deputy Commissioner,
Bangalore Urban District,
Bangalore.
 13. The Secretary,
Ministry of Environment and Forests,
Lodhi Complex, New Delhi.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of Declaration, propounding Section 22 of the National Green Tribunal Act, 2010, as being ultra vires Articles 14, 21 and 141 of the Constitution of India, and pass other appropriate writs, consequently grant the relief sought as per the Written Submissions in Appeal Nos.98-101, 105-113 and 156-158 of 2013, as placed before the 1st Respondent.

For Petitioner in both W.Ps. :No representation
For 2nd Respondent
in W.P.No.3439/2014 Mr.K.Rajasekaran &

& 3rd Respondent
in W.P.No.821/2014 :Mr.M.R.Gokula Krishnan

C O M M O N O R D E R

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

Today, none represented the Petitioners in both Writ Petitions. Learned counsel appearing for the Respondent/Karnataka Pollution Control Board, submitted that the issue involved in these Writ Petitions is covered by the order dated 07.07.2015 passed by a Division Bench of this Court in W.P.Nos.35098 of 2013, batch of cases. It is submitted that the above two Writ Petitions have been left out to be added in the said batch of Writ Petitions, due to oversight.

2. We have perused the aforesaid order of the Division Bench. Considering the very same issue, it has held as follows:

"12. We have no option but to dismiss the Writ Petitions, as not maintainable in view of the judgment of the Hon'ble Supreme Court in Major General Shri Kant Sharma's case (supra). No costs."

3. In view of the above, these Writ Petitions are dismissed. No costs. Consequently, connected M.P.No.1 of 2014 in W.P.No.3439 of 2014 and M.P.Nos.1 and 2 of 2014 in W.P.No.821 of 2014 are closed.

s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

To:

1. The Deputy Registrar,
National Green Tribunal (Southern Bench), Arumbakkam,
Chennai.

2. The Chairman,
Karnataka Pollution Control Board,
"Parisara Bhavana", 1st to 5th Floors,
49, Church Street, Bengaluru - 560 001.

3. The Law Secretary, Union of India, North Block, New Delhi.
 4. The Chief Secretary,
Government of Karnataka, Secretariat, Bangalore.
 5. The Managing Director, BESCOM (Bangalore Electricity Supply
Company Limited), K.R.Circle, Bangalore - 560 001.
 6. The Secretary to Government,
Rural Development Department, Secretariat, Bangalore.
 7. The Secretary to Government,
Environment & Bio-technology, M.S.Building, Bangalore.
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 10. The Commissioner, Bangalore Development Authority,
Bangalore.
 11. The Chairman,
Bangalore Water Supply & Sewerage Board, Bangalore.
 12. The Deputy Commissioner,
Bangalore Urban District, Bangalore.
 13. The Secretary, Ministry of Environment and Forests,
Lodhi Complex, New Delhi.
- +1 CC to Mr.K.Rajasekaran, Advocate sr 89519

W.P.No.3439 of 2014 and W.P.No.821 of 2014

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SP(25/11/2019)