

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2019

CORAM:

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

W.P.No. 29850 of 2019

M/s.E.V.Dyeing Works,
represented by its Partner, P.Vikram Kumar,
having business at S.F.No.154/1,2,3,4 & 5
Erumapalayam Village,
Salem Taluk,
Salem District. ... Petitioner

Vs.

1. The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai,
Guindy, Chennai 600 032.
2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
1/276, Mayannur Main Road,
Siva Tower,
Salem District - 636 004.
3. The District Collector,
Salem District. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of Certiorari, to call for the records of the 1st Respondent in his proceedings No.T4/ TNPCB/ Environmental Compensation/Defaulting Units/SLM/2019, dated 17.09.2019 and quash the same.

For Petitioner : Mr.K.Raja
For Respondents 1 & 2 : Mr.C.Kasirajan

ORDER

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

This Writ Petition has been filed challenging the proceedings of the 1st Respondent, dated 17.09.2019, which is a fall out of the order dated 10.04.2019 passed by the National Green Tribunal (Principal Bench), New Delhi (Southern Zone) in

Original Application No.51 of 2015.

2. For the sake of brevity, we place on record the operative portion of the order dated 10.04.2019 passed by the National Green Tribunal, Principal Bench, New Delhi, (Southern Zone) in Original Application No.51 of 2015.

"10. On the basis of the recommendation of the Joint Committee, it is for the Pollution Control Board to consider the further action to be taken against the violators and recover compensation if any, required from them, after assessing the quantum of compensation payable by them. Pollution Control Board as well as the Joint Committee appointed by this Tribunal shall submit a detailed report as directed above regarding the factual and action taken within three months from today by e-mail. The Salem Municipal Corporation is directed to submit the progress of the implementation of the action plan in this regard every three months by e-mail."

3. Though the learned counsel for the Petitioner submitted that the Petitioner is not a party to the above Original Application, as the impugned order having civil consequences, has been passed without affording an opportunity to the Petitioner, and, inasmuch as the matter is at large before the National Green Tribunal, Principal Bench, New Delhi, we would only give liberty to the Petitioner to approach the said authority.

4. Taking note of the fact that the Petitioner is not a party to the said Original Application and that, the impugned order has been passed behind his back, we direct the 1st Respondent to keep the impugned order dated 17.09.2019 in abeyance for a period of four weeks, to enable the Petitioner to approach the National Green Tribunal, Principal Bench, New Delhi, to get appropriate orders.

The Writ Petition is disposed of with the above direction. No costs. Consequently, connected W.M.P.No.29755 of 2019 is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

(aeb)

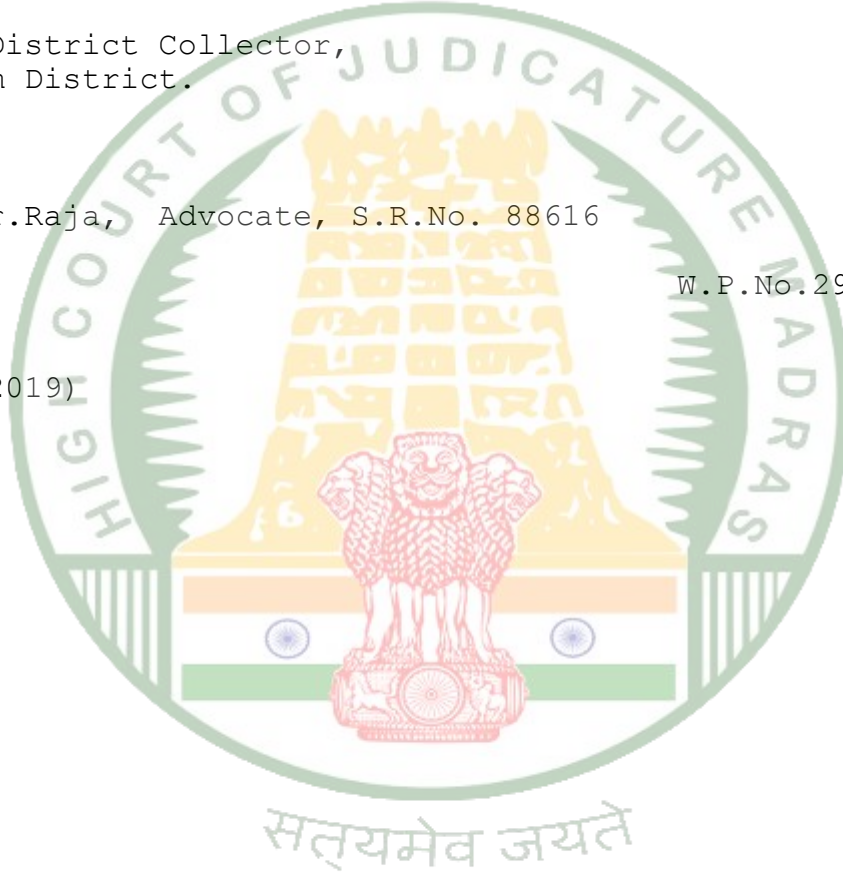
To:

1. The Chairman,
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Guindy, Chennai 600 032.
2. The District Environmental Engineer,
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Siva Tower,
Salem District - 636 004.
3. The District Collector,
Salem District.

+1cc to Mr.Raja, Advocate, S.R.No. 88616

W.P.No.29850 of 2019

MG(CO)
GN(02/12/2019)



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