



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD) No.15989 of 2019
and
W.M.P. (MD) No.12686 of 2019

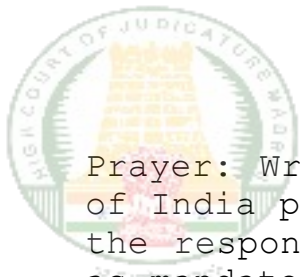
S.P.Muthu Raman

... Petitioner

Vs.

1. The Secretary,
Ministry of Environment, Forest and Climate Change,
Government of India,
Indira Paryavaran Bhawan,
Jorbagh Road,
Aligani, New Delhi - 110 003.
2. The Director,
IA - II Thermal Section,
Ministry of Environment, Forest and Climate Change,
Government of India,
Indira Paryavaran Bhawan,
Jorbagh Road,
Aligani, New Delhi - 110 003.
3. The Director,
Regional Office,
Chennai,
Ministry of Environment, Forest and Climate Change,
South Eastern Zone,
1st and 2nd Floor - HEPC Building,
No.34, Cathedral Garden Road,
Nungambakkam,
Chennai - 600 034.
4. M/s. SEPC Power Private Limited,
Rep. by its
Managing Director,
(Previously known as SPIC Electric Power Corporation Pvt. Ltd.)
Near Check Post - I,
V.O.C. Harbour Road,
Thoothukudi - 628 004.

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to hold a meeting of "Public Consultation" as mandated in Environment Impact Assessment Notification 2006, in connection with the establishment of Industry of Thermal Power Plant (525 Mega Watt) at Mullakadu Part I Village, Thoothukudi District as well as formation of "Ash Pond" at Vadakku Karaseri Village, Srivaikundam Taluk, Thoothukudi District by the fourth respondent, after giving an advance notice to the inhabitants of Kovilpillai Nagar, Kadhar Meera Nagar, Muthu Nagar Colony, Camp - I Residential Colony and Othaveedu Colony, Vadakku Karaseri Village, etc.

For Petitioner : Mr.R.Anand

For Respondents : Mr.Ma.Karunanithi
Central Government Standing Counsel
for R.1 & R.2

ORDER

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

The petitioner, claims to be a public interest litigant and aggrieved by the act of the fourth respondent in putting up a Power Plant and that the first respondent has also accorded Environmental Clearance without having "Public Consultation", came forward to file this writ petition.

2. In the considered opinion of this Court, the petitioner is having an effective alternate remedy before the competent forum and in the light of the same, this writ petition is not maintainable.

3. A perusal of the typed set of documents would also disclose that the first respondent has accorded Environmental Clearance and the points canvassed by the learned Counsel for the petitioner would also revolve around adjudication of disputed question of facts and therefore, in the considered opinion of this Court, the alternate remedy available is the effective and efficacious one.

4. In view of the same, the writ petition is dismissed as not maintainable. However, the petitioner, if so advised and if it is available to him under the law, is at liberty to work out his



remedy, in accordance with law, before the competent forum.

Sd/-

Assistant Registrar (AE)

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// True Copy //

Sub Assistant Registrar(CS)

To

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+1 CC to MR.M.KARUNANITHI, Advocate (SR-76131[F] dated 18/07/2019)

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gk/dsk