



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2019

CORAM:

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

Cont.P. (MD)No.1990 of 2018

B.Dhanasekaran

... Petitioner/Petitioner

Vs.

- 1.Mr.C.K.Mishra, I.A.S.,
The Principal Secretary to Government,
Union of India,
Ministry of Environment, Forest and Climate Change,
Indira Paryavaran Bhavan,
Jorbagh Road,
New Delhi - 110 003.
- 2.Mr.Nasimuddin, I.A.S.,
The Principal Secretary to Government,
Department of Environment, Forest and Climate Change,
Government of Tamil Nadu,
Secretariat,
Fort St.George,
Chennai - 600 009.
- 3.Mr.Subrat Mohapatra, I.F.S.,
Member Secretary (i/c),
Tamil Nadu Biodiversity Board,
Chief Conservator of Forests (Biodiversity),
TBGP - Office Complex, II Floor,
Velacherry - Tambaram Main Road,
Nanmangalam, Medavakkam Post,
Chennai - 600 100.
- 4.Dr.Meenakumari,
The Chairperson,
National Biodiversity Authority,
5th Floor, TICEL Bio Park,
CSIR Road, Taramani,
Chennai - 600 113.
- 5.Mr.Harmander Singh, I.A.S.,
The Secretary to Government,

<https://hcservices.ecourts.gov.in/hcservices/>



Government of Tamil Nadu,
Municipal Administration and Water Supply Department,
Fort St.George,
Chennai - 600 009.

... Contemnors/Respondents

Prayer: Petition filed under Section 11 of the Contempt of Court Act to punish the respondents / contemnors for their willful disobedience of the order of this Court dated 02.03.2017 passed in W.P. (MD)No.3698 of 2017

Prayer in WP(MD). 3698/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to constitute The Bio - Diversity Management Committees in every local bodies in the State of Tamil Nadu under section 41 of The Biological Diversity Act 2002 and under Rule 22 of the Biological Diversity Rules 2004, within the time stipulated by this Honble Court.

For Petitioner	: Mr.S.Ramesh Kumar
For Respondents	: Mr.K.Chellapandian, Additional Advocate General assisted by Mr.A.K.Baskarapandian Special Government Pleader for Respondents 2 to 5

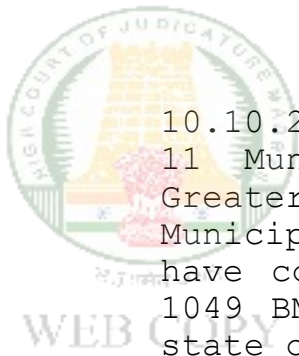
ORDER

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

This Contempt Petition is filed by the petitioner for punishing the respondents / contemnors for their willful disobedience of the order passed by this Court in W.P. (MD)No.3698 of 2017, dated 02.03.2017.

2. Perused the affidavits of the third respondent dated 09.01.2019 and the fifth respondent dated 10.01.2019. It is relevant to extract paragraph No.7 of the affidavit of the third respondent, which reads as under:

"7) I respectfully submit that, as per letter from Director, Directorate of Rural Development and Panchayat Raj, Chennai - 15, bearing No.8164/2018/PRI 4-1, dated 21.05.2018, Biodiversity Management Committees at the Block Level (Rural) to a total of 385 numbers have been formed in Tamil Nadu. As per the Government letter No.7767/MA.IV (2)/2018-7, Municipal Administration and Water Supply (MA.IV) Department, dated



10.10.2018, all the Urban Local Bodies (124 Municipalities, 11 Municipal Corporations, 528 Town Panchayats and one Greater Chennai Corporation) under the control of the Municipal Administration and Water Supply (MA.IV) Department have completed the constitution of 664 BMCs. So a total of 1049 BMCs (385 + 664) have been formed covering the entire state of Tamil Nadu."

3. The learned Counsel for the petitioner would submit that though the affidavits of the third and fifth respondents state that Biodiversity Management Committees have been constituted, they are yet to function. However, the said fact is seriously refuted / disputed by the learned Additional Advocate General assisted by the learned Special Government Pleader and would submit that if the petitioner quotes any specific incident, appropriate action would be taken.

4. The affidavits of the third and fifth respondents are taken on record. Therefore, this Court is of the view that the order, which is the subject matter of the contempt petition, has been complied with. However, if the petitioner comes across any infraction of the affidavits of the third and fifth respondents, he is always at liberty to take appropriate further action, in accordance with law, before the competent forum.

5. In the result, this contempt petition is closed, subject to the above observation.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Principal Secretary to Government,
Union of India,
Ministry of Environment, Forest and Climate Change,
Indira Paryavaran Bhavan,
Jorbagh Road, New Delhi - 110 003.

2.The Principal Secretary to Government,
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- 3.The Member Secretary (i/c),
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- 5.The Secretary to Government,
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Municipal Administration and Water Supply Department,
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+1 CC to M/s.SPL GP (SR-81948[F] dated 16/08/2019)

Cont.P. (MD)No.1990 of 2018
13.08.2019

gk/dsk
JMN(03.09.2019) 4P : 7C