

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2020

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI

AND

THE HON'BLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.9693 of 2020

T.Vennila

... petitioner

vs.

1.The Secretary (EF&CC),
Government of India.
Ministry of Environment, Forest and Climate Change,
Indira Paryavaran Bhawan.
Jor Bagh Road, New Delhi- 110 003.

2.The Additional Director General of Forests (Wildlife) I
Member Secretary.
National Board for Wildlife, Government of India.
Ministry of Environment. Forest and Climate Change.
Indira Paryavaran Bhawan,
Jor Bagh Road. New Delhi- 110 003.

3.The Director.
Impact Assessment,
Government of India,
Ministry of Environment. Forests and Climate Change.
Indira Paryavaran Bhawan.
Jor Bagh Road. New Delhi-110 003.

4.The Additional Chief Secretary to Government,
Government of Tamil Nadu,
Environment and Forests Department,
Secretariat, Fort St.George, Chennai-600 009.

5.The Principal Chief Conservator of Forests and
Chief Wildlife Warden,
Panagal Maligai, Saidapettai,
Chennai-600 015.

6.The Chairman,
State Environment Impact Assessment Authority Tamil Nadu,
Panagal Maligai, Saidapettai,
Chennai-600 015.

7. M/s.Sun Pharmaceutical Industries Limited,
Rep by it Authorized Signatory,
Sathammai village, Karunkuzhi post,
Maduranthangam Taluk, Chengalpattu District ... Respondents

Prayer ::- Writ Petition filed under Article 226 of the Constitution of India seeking for a WRIT OF MANDAMUS or any other appropriate writ. order or direction in the nature of WRIT OF MANDAMUS directing the 6th respondent to consider the petitioner representation dated 22.06.2020 and consequently reject the proposal no. SIA/TN/IND2/155205/2020, dated 30.05.2020 of the 7th respondent, seeking environment clearance.

For Petitioner : Mr.Rajiv Gandhi for Mr.T.Gobinath

For respondents : Mr.S.R.Rajagopal, Addl. Advocate General,

assisted by Mr.S.Prabhu, A.G.P.,
for respondents 4 and 5
Mr.B.Chandrasekaran, Sr.Panel Counsel,
for respondents 1 to 3

ORDER

(Made by DR.VINEET KOTHARI, J.)

The Court was held by Video Conference, as per the Resolution of the Full Court dated 3 July 2020, by Judges at their respective residence and the counsel, staff of the Court appearing from their respective residences.

2. This Public Interest Litigation has been filed by Ms.T.Vennila, an Environment Activist, with a prayer to issue a writ of Mandamus to the sixth respondent, namely the Chairman of the State Environment Impact Assessment Authority, Tamilnadu, to consider the petitioner's representation dated 22.06.2020, to reject the Proposal No.SIA/TN/IND-2/155205/2020, dated 30 May 2020, of the seventh respondent company M/s. Sun Pharma Pharmaceuticals Industrial Limited seeking to expand its industrial unit for manufacture of drugs, which according to the petitioner, is within the protected area of Vedanthangal Birds Sanctuary, admeasuring about 29.51 hectares and 5 kms of surrounding radius known as Wild Life Sanctuary Zone declared by G.O.No.199 dated 03.07.1998 under the provisions of Wild Life Protection Act, 1972.

3. The cause which has triggered the petitioner to approach this Court by way of the present public interest litigation seems to be that the seventh respondent company has given some proposal to expand it's industrial activity on the area, part of which falls within the protected area of Birds Sanctuary and there is a proposal on the part of the State Government to reduce or curtail the area of such protected Birds Sanctuary from 5 km radius to 3 km radius. The petitioner, therefore, felt aggrieved by the intended expansion of the industrial activity of the seventh respondent Sun Pharmaceutical Industries Limited and therefore, has approached this Court for appropriate directions in the matter to reject the said proposal of the seventh respondent company.

4. Mr.S.R. Rajagopal, learned Additional Advocate General has put in appearance on behalf of the respondents 4 and 5 and Mr.V.Chandru, learned counsel has put in appearance for respondents 1 to 3.

5. The learned Additional Advocate General informed the Court that the seventh respondent company's proposal to expand it's business would require clearances from several concerned authorities. But, as of now, this proposal has been returned back by respondents 4 and 5, the authorities of the State Board for Wild Life, on 15.06.2020 and therefore, the prayer of the petitioner to that extent has become infructuous. However, the matter about curtailment of the area in question is pending with the National Wild Life Board, the Member Secretary of which is arrayed as the second respondent before this Court.

6. The Departments concerned have not taken a final call on the decision of the respondent State and it's functionaries about the curtailment of the area in question, nor the proposal of the seventh respondent company has been cleared and sanctioned by the concerned authorities.

7. Therefore, in our opinion, it would be pre mature for this Court to express any opinion on the rival claims of parties, either of the petitioner who seeks to prohibit any such expansion of the business activity of the seventh respondent company or as that of the seventh respondent company. Therefore, at this stage, we are not inclined to interfere in the present public interest litigation at all. The present petition is therefore disposed of, of course, with liberty to the petitioner to approach the concerned authority/authorities where the said matter is pending or

comes up for clearance or sanction and we expect the concerned authorities to consider the objections of the petitioner, which may be made along with relevant evidence before them, in accordance with law, before a final decision in the matter is taken.

8. With the aforesaid liberty to the petitioner and respondents, we dispose of this public interest litigation. No costs.

Sd/-

Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

kpl/tar

To

1.The Secretary (EF&CC),
Government of India.

Ministry of Environment, Forest and Climate Change,
Indira Paryavaran Bhawan.
Jor Bagh Road, New Delhi-1 10 003.

2.The Additional Director General of Forests (Wildlife) I
Member Secretary.

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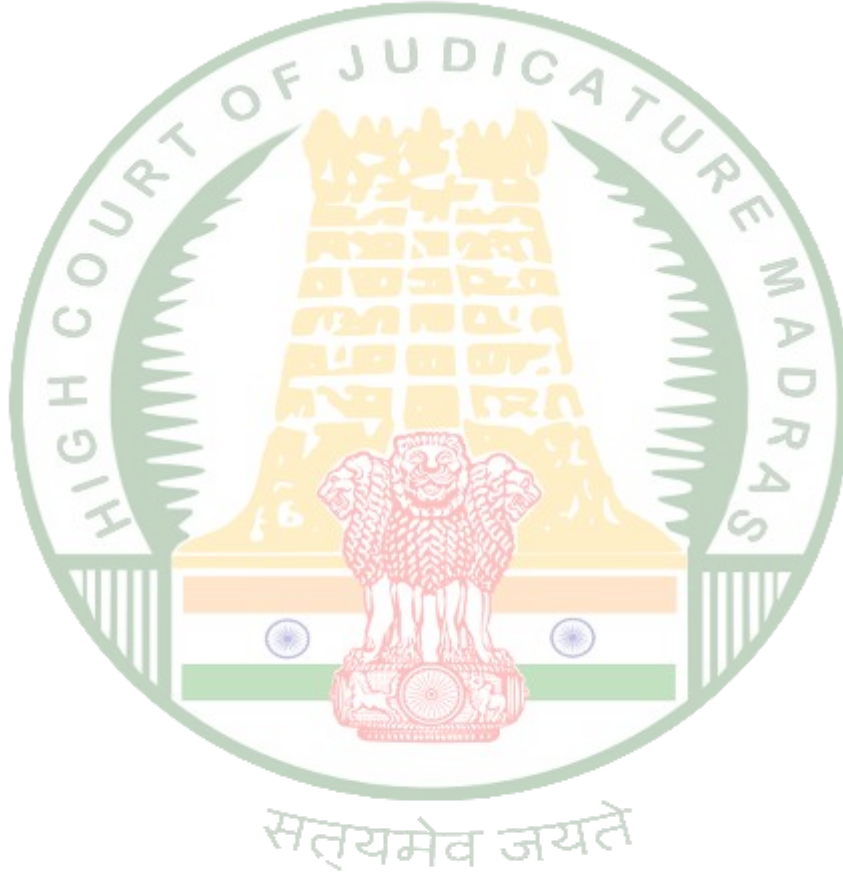
6.The Chairman,
State Environment Impact Assessment Authority Tamil Nadu,
Panagal Maligai, Saidapettai,
Chennai-600 015.

+1cc to Special Government Pleader SR.No.25170

W.P.No.9693 of 2020

VS (CO)

GMV (28/08/2020)



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