

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2020

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.11235 of 2020

Sri Kapaleeswarar Nagar
Residents Welfare Association Rep. by its
Secretary 1st North Main Road
Sri Kapaleeswarar Nagar
Neelankarai Chennai 600 115 ... petitioner

Vs

- 1 The State
Rep. by its Secretary MAWS Municipal
Administration Water supply Secretariat
Chennai
- 2 The Commissioner
Greater Chennai Corporation of Chennai ,
Rippon Buildings Chennai 600 003
- 3 Chief Engineer (General)
Storm Water Drain / Special Projects,
Greater Chennai Corporation Rippon Buildings,
Chennai 600 003
- 4 The Superintending Engineer
Storm Water Drain / Special Projects
Greater Chennai Corporation Rippon Building
Chennai 600 003 ... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for a Writ of Mandamus restraining the Respondents from implementing storm Water Drain in Sri Kapaleeswarar Nagar and constructing storm water Ducts between ECR and Seashore in the extended area of greater Corporation of Chennai in Sri Kapaleeswarar Nagar of M3 watershed component of Kovalam Basin.

For Petitioner : Ms.S.P.Arthi

For Respondents : Mr.J.Pothiraj, Spl.G.P.,
for 1st Respondent
Mr.Raja Srinivas,
Standing counsel, for Respondents 2 to 4

ORDER

(Made by DR.VINEET KOTHARI, J.)

The learned counsel for the Petitioner, Ms.S.P.Aarthi, submits that she may be permitted to withdraw the present PIL petition, as the controversy with regard to construction of storm water ducts between ECR and sea shore in Sri Kapaleeswar Nagar is now pending before the National Green Tribunal, Chennai Bench also, which is seized of the matter.

2. The learned counsel for the Corporation Mr.Raja Srinivas submitted that this Court has already dismissed one such PIL petition in W.P.No.12451 of 2020 [VGP Golden Seaview Residents Welfare rep. by its Joint Secretary vs. State and others] on 9 September 2020. Paragraphs 4 and 5 of the said order passed by us is quoted below for ready reference :-

4. Prima facie, we feel that the petitioner should pursue their representation first before the concerned authorities and the concerned authorities of the State should be allowed to apply their mind to the relevant situation and consider the representation in accordance with law. The Public Interest Litigation jurisdiction, in our opinion, cannot be invoked just to direct the respondent State to consider the representation of the petitioners for any grievance raised in such PIL petition. Therefore, we are not inclined to interfere with the present PIL at this stage. The petitioner as well as the Petitioner in W.P.No.11235 of 2020 shall pursue their representation before the concerned authorities of the State, and once an appropriate decision is taken in the matter, if aggrieved by the same, the petitioners may avail their legal remedies in accordance with law.

5. With this observation, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition in WMP No.15360 of 2020 is also dismissed.

3. However, we are of the opinion that if the petitioner wants to pursue their remedy before the National Green Tribunal, Chennai Bench, and the said Tribunal is seized of the matter, we need not pass any order, and the PIL Petition may be permitted to be withdrawn, for which the learned counsel for the Corporation does not have serious objection. The Writ Petition is accordingly dismissed as withdrawn. There is no order as to costs. Consequently, W.M.P.No.13703 of 2020 is also dismissed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

tar
To

- 1 The Secretary
Municipal Administration Water Supply
Secretariat, Chennai
- 2 The Commissioner
Greater Chennai Corporation of Chennai
Rippon Buildings Chennai 600 003
- 3 Chief Engineer (General)
Storm Water Drain / Special Projects
Greater Chennai Corporation Rippon Building
Chennai 600 003
- 4 The Superintending Engineer
Storm Water Drain / Special Projects
Greater Chennai Corporation Rippon Building
Chennai 600 003

+1cc to Mr.R.Gopinath , Advocate SR.No. 38391

+1cc to Mr.K.Raja Shrinivas , Advocate SR.No. 384169

W.P.No.11235 of 2020

A.SK(06.01.2021)

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