

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.11.2020

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

WP.No.16162 of 2020

M.Kumar ... Petitioner

Vs

- 1.The Secretary, ... Respondents
Ministry of Environment Forest and
Climate Change,
Indra Paryavaran Bhawan, Jorbagh Road,
New Delhi 110 003.
- 2.The Director,
Department of Environment,
No.1, Geenis Road, Panagal Building,
Saidapet, Chennai 600 015.
- 3.The District Collector,
Cuddalore District, Cuddalore.
- 4.The Managing Director,
SIPCOT, Opposite : Rajarathinam Stadium,
Egmore, Chennai 600 008.

Writ petition has been filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the 3rd respondent to consider and pass orders on merits by disposing the written representation made by the petitioner on 04.10.2020.

For Petitioner : Mr.C.Prakasam

For R2 : Mr.S.Vijaya Prasanth
Special Government Pleader (Forests)

For R3 : Mr.M.Elumalai
Additional Government Pleader

ORDER

[Order of the Court was made by M.SATHYANARAYANAN,J.,]

By consent, the writ petition is taken up for final disposal and is disposed of by this order.

2.Mr.S.Vijay Prashanth, learned Special Government Pleader [Forests] accepts notice on behalf of the 2nd respondent and Mr.M.Elumalai, learned Additional Government Pleader accepts notice on behalf of the 3rd respondent.

3.The Writ Petition is styled as a Public Interest Litigation filed by a resident of Semmankuppam, SIPCOT post, Cuddalore Taluk and District. The petitioner claims to be the owner of the agricultural land and eking out his livelihood by doing agricultural operations.

4.Mr.C.Prakasam, learned counsel appearing for the petitioner would submit that there exist a SIPCOT industrial complex which was initially started with Unit no.1 and expansion took place in the form of Unit No.2, where there are number of chemical industries and without properly treating the effluents, they are let out and thereby, causing damage to the earth as well as the ground water. It is the further submission of the learned counsel appearing for the petitioner that third unit is also likely to be started, wherein dying units are coming in place and in order to help them, a giant wheel has been dig up and in the event of it is being put to use, the Wells situated in various agricultural lands in the said area are likely to be dried up. That apart, the Pollution Control measures are also not properly put in place / being effectively implemented and in this regard, a representation dated 04.10.2020 was also submitted to the respondents and despite receipt and acknowledgment, nothing is moving forward and therefore, the petitioner is constrained to approach this Court by filing this Writ Petition.

5.This Court heard the submissions of Mr.S.Vijay Prashanth, learned Special Government Pleader [Forests] appearing for the 2nd respondent and Mr.M.Elumalai, learned Additional Government Pleader appearing for the 3rd respondent.

6.Though the petitioner prays for a larger relief, this Court in the light of the above facts and circumstances, without going into the merits of the claim projected by the petitioner, either in his representation or in this Writ Petition, directs the 3rd respondent in coordination with the jurisdictional Tamil Nadu Pollution Control Board, to consider and dispose of the

petitioner's representation dated 04.10.2020 on merits and in accordance with law and pass appropriate orders, after putting on notice the concerned persons, which may include the 4th respondent and complete the said exercise within a period of ten (10) weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as the 4th respondent and other persons concerned, if any.

7.The Writ Petition stands disposed of accordingly. No costs.

-Sd/-

Assistant Registrar (CS)

// True Copy //

Sub Assistant Registrar

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To

- 1.The Secretary,
Ministry of Environment Forest and
Climate Change, Indra Paryavaran Bhawan, Jorbagh Road,
New Delhi 110 003.
- 2.The Director,
Department of Environment,
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+1 C.C. to MR.Government Pleader Advocate SR.NO.36935

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SRA (CO)
UMY (17.12.2020)

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