



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.1213 of 2021

P.Ethiraj

... Petitioner

Vs

1.Tamil Nadu Pollution Control Board,
rep. by its Member Secretary,
No.76, Mount Salai,
Guindy, Chennai - 600 032.

2.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
No.88A, SIPCOT Industrial Complex,
Gummidipoondi,
Thiruvallur District - 601 201.

3.Marine Infrastructure Developer Private Limited,
rep. by its Managing Director,
4th Floor, Ramcons Fortuna Towers,
1/2, Kodambakkam High Road,
Nungambakkam,
Chennai - 600 006.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus calling for the records of the first respondent culminating in the public notice published in the Dinamani newspaper on 19.12.2020, quash the same and direct the first respondent to conduct public hearing in strict compliance with the EIA Notification.



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For Petitioner : Mr.A.Yogeshwaran

For Respondents : Mr.C.Kasirajan
for respondent Nos.1 and 2

: Mr.P.Giridharan
for respondent No.3

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

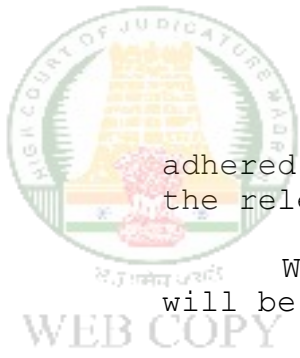
The challenge in this petition filed in public interest is to a public notice issued in a local newspaper on December 19, 2020 for a public hearing in terms of a notification dated September 14, 2006 issued by the Ministry of Environment and Forests, which has been published in the gazette of India.

2. The primary grievance of the petitioner is that in terms of the relevant notification, a public hearing has to be held "at the site or in close proximity" thereof, but the impugned notice provided for a hearing to be conducted some 20 kilometre from the project site.

3. There is no dispute that the relevant date has passed and, according to the third respondent who proposes to set up the project, no public hearing was conducted on the relevant date indicated in the notice published in the newspaper. The third respondent submits that the lockdown intervened and, as a result thereof, the public hearing was not possible.

4. Since the petition pertains to a particular notice which has lost all meaning and effect in the interregnum, no order can be made on this petition. However, since the notice impugned herein purported to conduct a public hearing at the place 20 kilometre from the project site, the respondent authorities are reminded of the requirements of the said notification of September 14, 2006 and directed to adhere to the same. There is sufficient basis to the petitioner's assertion that even the third respondent's offer to have the local residents transported by buses to be provided by the third respondent cannot be accepted, since such act of transporting the possible objectors may appear to be an inducement to prevent objections being raised.

5. W.P.No.1213 of 2021 is disposed of by recording that the impugned publication has lost all meaning and force and by requesting the respondent authorities to ensure that the requirements of the notification of September 14, 2006 are



adhered to in course of any future public hearing pertaining to the relevant project.

W.M.P.Nos.1369, 1373 and 1371 of 2021 are closed. There will be no order as to costs.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To:

- 1.The Member Secretary,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai,
Guindy, Chennai - 600 032.
- 2.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
No.88A, SIPCOT Industrial Complex,
Gummidipoondi,
Thiruvallur District - 601 201.

W.P.No.1213 of 2021

AJS (CO)
SB(23/08/2021)