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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.30055 of 2013

and

M.P.No.1 of 2013

Balarama Reddy

...Petitioner

Vs

1. The District Collector,  
Vellore District.
2. The Sub Collector,  
Tirupattur, Vellore District.
3. The Chairman,  
Loss of Ecology Authority,  
Office at Ecology Authority,  
Office at 148/298, Peter's Road,  
Chennai - 86.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for file in O.MU/A2/3677/13 dated 20.9.2013 on the file of the 2<sup>nd</sup> respondent and quash the said order directing the 3<sup>rd</sup> respondent to inspect the land in Venkatasamudram Dry S.No.77/2A, 1.22.5 Hectares of land and to assess the quantum of damages and determine compensation to the petitioner.

For Petitioner : M/s.R.T.Sundari

For Respondents : Mr.C.SelvaRaj  
Government Advocate  
[For R1 and R2]  
Mr.N.Sankaravadivel  
[For R3]



## O R D E R

The relief sought for in the present writ petition is to quash the order dated 20.09.2013 passed by the second respondent and to direct the third respondent to inspect the land in Venkatasamudram Dry S.No.77/2A, 1.22.5 Hectares of land and to assess the quantum of damages and determine compensation to be paid.

2. The grievance of the petitioner is that he owns cultivating land, which is fertile in nature. He used to raise paddy Plantain & Sugarcane etc., There were indiscriminate growths of several tanneries in Ambur town, Venkatasamudram and nearby villages. The effluent water discharged by the tannery owners, which caused damage to the fertile lands. The untreated effluent tannery water drains in the land in which underground water got mixed with. The ground water percolates into the well. The well water got contaminated with the acidity and salinity and now the lands became unfit for cultivation for the past about 7 years. In this context, the petitioner seeks that a soil test is to be conducted and compensation is to be paid. The second respondent / Sub-Collector, in the impugned order, has stated that the order passed by the Pollution Control Board for grant of compensation was considered in respect of the case of the petitioner. However, there is no such order passed in respect of the land belongs to the petitioner and therefore, compensation cannot be granted.

3. This Court is of the considered opinion that regarding grant of compensation, an elaborate adjudication is required. In the present case, the petitioner raises several allegations in respect of tanneries running in Ambur Town. Such an adjudication cannot be done in a writ proceedings. The second respondent based on the order passed by the Pollution Control Board, settled compensation in favour of affected persons. However, the land belongs to the petitioner is not falling under the said category.

4. If at all, the petitioner is aggrieved, the petitioner has to approach the competent Forum for the purpose of conducting inspection and grant of compensation. However, such an adjudication cannot be done in the present writ petition, which requires examination of documents and evidences. Accordingly, the petitioner is at liberty to approach the competent authorities or the competent Forum as the case may be for the purpose of redressal of his grievances.

5. Further, it is brought to the notice of this Court by the learned counsel for the third respondent that the third respondent is not functioning and it has been already merged with the National Green Tribunal. Thus, the petitioner has to



approach the competent authority for the purpose of redressal of his grievances.

6. With this liberty, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,  
Vellore District.
2. The Sub Collector,  
Tirupattur, Vellore District.

+1cc to the Government Pleader, S.R.No.58010

W.P.No.30055 of 2013

PA(CO)  
RGA(24/11/2021)