



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.15402 of 2021
and W.M.P.No.16291 of 2021

S.Velu

... Petitioner

Vs

- 1.The District Collector,
Chengalpattu District,
Chengalpattu- 603001.
- 2.The Block Development Officer,
Kanathur Village, Block Panchayat, Lathur @
Pavunjur- 603 312, Chengalpattu District.
- 3.The Tahsildar,
Kanathur Village, Cheyyur Taluk,
Cheyyur- 603 302, Chengalpattu District,
- 4.Member Secretary,
Coastal Aquaculture Authority, 5th Floor,
Nandanam, Chennai- 600 035.
- 5.The Member Secretary,
Tamilnadu pollution Control Board, No.76
Mount Salai, Guindy, Chennai- 600 032.
- 6.The Village Panchayat,
Koovathur Gram Panchayat, Cheyyur Taluk,
Chengalpattu District.
- 7.Surej Naik
- 8.Manikavel

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to stop this illegal construction and direct the 2nd and 5th Respondent not to grant the permission for any shrimp hatchery unit in future.



For Petitioner : Ms.B.Bhuvaneshvari
For Respondents : Mr.P.Muthukumar
Counsel for State for RR 1 to 5

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ORDER

(Made by Senthilkumar Ramamoorthy, J.)

The petitioner seeks to prevent the setting up of shrimp hatchery units at Kanathur Village, Chengalpattu District.

2. The petitioner states that persons residing in Kanathur Village are largely dependent on agriculture for their livelihood. For such purpose, ground water is relied upon by these villagers. It is alleged that the seventh and eighth respondents are constructing shrimp hatchery units in S.Nos.92 and 93 of Kanathur Village and that if such shrimp hatchery units are permitted to function, it would result in pollution of the ground water. Therefore, the petitioner submitted complaints to the District Collector and the Tamil Nadu Pollution Control Board, but no action has been taken thereon.

3. Mr.P.Muthukumar, learned counsel for the State, accepts notice on behalf of respondents 1 to 5 and states that the fourth respondent is the appropriate authority from a pollution control perspective and the second respondent with regard to any hatchery related construction activity. Therefore, he states that the aforesaid authorities would consider and dispose of representations from the petitioner.

4. Accordingly, without going into the merits of the matter, the petitioner is permitted to submit fresh representations to the Block Development Officer and the Member Secretary, Coastal Aquaculture Authority, in respect of the construction and pollution aspects respectively. Such representations shall be submitted within a period of two weeks from the date of receipt of a copy of this order. Upon receipt thereof, the authority concerned is directed to consider such representation and dispose of the same by a speaking order within a period of eight weeks from the date of receipt of such representation after providing a reasonable opportunity of hearing both to the petitioner and to the private respondents herein. In view of the fact that the official respondents have been directed to hear the private respondents before passing orders, the writ petition is being disposed of without notice to the private respondents herein.



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W.P.No.15402 of 2021 is disposed of in these terms without any order as to costs. Consequently, W.M.P.No.16291 of 2021 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

To

- 1.The District Collector,
Chengalpattu District,
Chengalpattu- 603001.
- 2.The Block Development Officer,
Kanathur Village, Block Panchayat, Lathur @
Pavunjur- 603 312, Chengalpattu District.
- 3.The Tahsildar,
Kanathur Village, Cheyyur Taluk,
Cheyyur-603 302, Chengalpattu District,
- 4.The Member Secretary,
Coastal Aquaculture Authority, 5th Floor,
Nandanam, Chennai- 600 035.
- 5.The Member Secretary,
Tamilnadu pollution Control Board, No.76,
Mount Salai, Guindy, Chennai- 600 032.
- 6.The Village Panchayat,
Koovathur Gram Panchayat, Cheyyur Taluk,
Chengalpattu District.

+1cc to the Government Pleader (SR No.35940)

W.P.No.15402 of 2021

NRL (CO)
PR (02/08/2021)