



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.10909 of 2021

and

W.M.P.[MD]No.8566 of 2021

G.Joseph

... Petitioner

Vs.

1.The Union of India,

Rep. by its Secretary to Government,
Ministry of Environment, Forest and Climate Change,
Government of India,
Indira Parayavaran Bhavan,
Jorbagh Road, New Delhi - 110 003.

2.The Tamil Nadu Pollution Control Board,

Rep by its Member Secretary,
No.76, Mount Salai, Guindy, Chennai.

3.The Tamil Nadu General and Distribution Corporation Limited
(TAGEDCO),

Represented by its Chairman and Managing Director,
10th Floor, NPKRR Maligai,
144, Anna Salai, Chennai - 600 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first and second respondent to ensure that the third respondent does not carry on any activity at the project site for establishment of 2 x 800 MW Uppur Supercritical Thermal Power Plant and also for establishment of foreshore facilities (Cooling water intake and outfall structures) Uppur, Valamavoor and Thiruppalaikudi, Tehsil Tiruvadanai villages of Ramanathapuram District, Tamil Nadu, without obtaining fresh environmental clearance as directed by the Hon'ble National Green Tribunal in its judgment dated 17.03.2021 in Appeal No.144 of 2016.

For Petitioner

: Mr.A.Yogeshwaran

For Respondent No.1

: Mr.A.Subbiah

Central Govt. Standing Counsel

For Respondent No.2

: Mr.Bageeratham

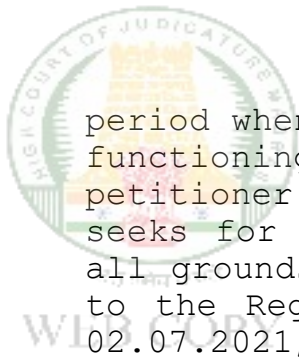
For Respondent No.3

: Mrs.Srimathy

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

The learned Counsel for the petitioner submitted that this writ petition was presented before this Court on 26.04.2021, during the



period when the National Green Tribunal ['NGT', for brevity] was not functioning. As of now, since the NGT is functioning, the petitioner would pursue the matter before the NGT and therefore, seeks for withdrawal of this writ petition with liberty to agitate all grounds before the NGT. The said request has been communicated to the Registrar by way of a letter of the learned Counsel dated 02.07.2021, which is placed on record.

2. In the light of the above, the Writ Petition is dismissed as withdrawn, giving liberty to the petitioner to raise all the issues before the NGT. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Secretary to Government,
Union of India,
Ministry of Environment, Forest and Climate Change,
Government of India,
Indira Parayavaran Bhavan,
Jorbagh Road, New Delhi - 110 003.
2. The Member Secretary,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai, Guindy, Chennai.
3. The Chairman and Managing Director,
Tamil Nadu General and Distribution Corporation Limited
(TAGEDCO),
10th Floor, NPKRR Maligai,
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W.P. [MD] No.10909 of 2021
02.07.2021

LS (CO)

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