



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.15819 of 2020

and

W.M.P.[MD]Nos.13257 to 13259 of 2020

G.Antony Kanselin

... Petitioner

Vs.

1.The Tamil Nadu Pollution Control Board,
Rep by its Chairman, Chennai.

2.The Assistant Engineer (Distribution),
TANGIDCO, Pudukadai,
Kanyakumari District.

3.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Nagercoil, No.318/46A, Water Tank Road,
Nagercoil, Kanyakumari District-629 001.

4.The Member Secretary,
Tamil Nadu Coastal Zone Management
Authority and Director,
Department of Environment and Forests,
I Floor, Panagal Building,
Saidapet, Chennai-600 015,
Tamil Nadu.

... Respondents

[R4 is suo motu impleaded vide Court order dated 10.11.2020]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent pertaining to its proceedings No.T1/TNPCB/LAW/LAIII/NGT/32895/NGL/A/Show Cause Notice/2020 dated 12.10.2020 and the consequential proceedings No.T1/TNPCB/F-32895/NGL/W&A/2020-1 dated 27.10.2020 and to quash the same and consequently direct the first respondent to consider the application for permission dated 20.02.2020 and 14.09.2020 submitted by the petitioner within a stipulated time that may be fixed by this Court.

For Petitioner

: Mr.S.C.Herold Singh

For Respondents 1 &3

: Mr.Bageeratham

Standing Counsel



For Respondent No.2

: Mrs.S.Srimathy

Special Government Pleader

For Respondent No.4

: Mrs.L.Victoria Gowri,

Assistant Solicitor General of India

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O R D E R

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

With the consent on either side, the Writ Petition itself is taken up for final disposal.

2.Heard Mr.S.C.Herold Singh, learned Counsel appearing for the petitioner, Mr.Bageeratham, learned Standing Counsel appearing for the first and third respondents, Mrs.S.Srimathy, learned Special Government Pleader appearing for the second respondent and Mrs.L.Victoria Gowri, learned Assistant Solicitor General of India appearing for the fourth respondent.

3.The impugned order is a consequential order pursuant to the order passed by the National Green Tribunal dated 18.08.2020, in O.A.No.278 of 2017, in which the writ petitioner is also a party. Therefore, unless and until the order passed by the National Green Tribunal is challenged before the appropriate forum, the challenge to the consequential order passed by the Tamil Nadu Pollution Control Board cannot be entertained.

4.Therefore, the Writ Petition is closed, giving liberty to the petitioner to approach the appropriate forum. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.

MR



To

- 1.The Chairman,
Tamil Nadu Pollution Control Board,
Chennai.
- 2.The Assistant Engineer (Distribution),
TANGIDCO, Pudukadai,
Kanyakumari District.
- 3.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Nagercoil, No.318/46A, Water Tank Road,
Nagercoil, Kanyakumari District-629 001.
- 4.The Member Secretary,
Tamil Nadu Coastal Zone Management
Authority and Director,
Department of Environment and Forests,
I Floor, Panagal Building,
Saidapet, Chennai-600 015,
Tamil Nadu.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-16989[F] dated
22/04/2021)

+1 CC to M/s.C.KASIRAJAN, Advocate (SR-17101[F] dated 22/04/2021)

ORDER MADE IN
W.P.[MD]No.15819 of 2020

21.04.2021

GS (11.06.2021) 3P 7C