



W.P(MD) No.19136 of 2022

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 26.08.2022**

**CORAM:**

**THE HONOURABLE MR.JUSTICE P.N.PRAKASH  
and  
THE HONOURABLE MRS.JUSTICE R.HEMALATHA**

**W.P.(MD) No.19136 of 2022**

S.P.Muthu Raman

... Petitioner

-VS-

1.The Member Secretary,  
Tamil Nadu State Level Environment  
Impact Assessment Authority,  
3<sup>rd</sup> Floor, Panagal Maligai,  
No.1, Jeenis Road,  
Saidapet, Chennai – 600 015.

2.The Member Secretary,  
Tamil Nadu Pollution Control Board,  
No.76, Mount Salai, Guindy,  
Chennai – 600 032.

3.The District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
Pettai, Tirunelveli – 627 010.

4.The Executive Engineer,  
Public Works Department,  
Building Construction and Maintenance Division,  
Tirunelveli District – 627 002.

... Respondents



W.P(MD) No.19136 of 2022

**PRAAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus by directing the third respondent to institute a criminal prosecution as against the fourth respondent in the light of the third respondent's proceedings No.F.INV/RL/DEE/TNV/A/2022 dated 02.05.2022 and No.F.INV/RL/DEE/TNV/W/2022 dated 02.05.2022 in connection with the construction of collectorate complex, Tenkasi District in Survey Number in Survey Nos. 36,37,55,56,57,59,60,62,63,64,65,66,67, Ward – B, Block – 4 , Tenkasi Village, Tenkasi Taluk and District as expeditiously as possible within the time stipulated as prescribed by this Court.

For Petitioner : Mr.R.Anand

For Respondents : Mr.Veera Kathiravan,  
Additional Advocate General  
assisted by  
Mr.A.K.Manikkam  
Spl. Government Pleader for R4  
Mr.N.Dilip Kumar for R1  
Ms.Vijayakumari Natarajan  
for R2 and R3

### **ORDER**

**(Made by P.N.PRAKASH, J.)**

Alleging that the fourth respondent is proceeding with the construction of the new Collectorate and other office complexes in the newly carved out Tenkasi District, without getting environmental clearance from the Tamil Nadu State Level Environment Impact



W.P(MD) No.19136 of 2022

Assessment Authority and also without obtaining the clearance from the Tamil Nadu Pollution Control Board, the present public interest litigation has been filed.

2. In support of the aforesaid allegations, learned counsel for the petitioner placed strong reliance on the proceedings in No.F.INV/RL/DEE/TNV/A/2022 dated 02.05.2022 of the Tamil Nadu Pollution Control Board addressed to the Executive Engineer, which read as under:-

“Whereas the Construction of New Building for Tenkasi Collectorate and other offices in Tenkasi District is being carried out at T.S.No. 36,37,55,56,57,59,60,62,63,64,65,66&67, Ward-B, Block-4, Tenkasi Village, Tenkasi Taluk and District as noticed during Inspection on 29.04.2022.

Whereas the total built up area of the building was informed to be 29621 sq.m consists of G+6 floors and establishment was being carried out without obtaining the Prior Environmental clearance of the Authority and the project activity falling under the category-B of schedule 8(a)- Building and construction projects of EIA Notification,2006 and also not obtaining Consent to Establishment of the Board.

And as such the provision of Section 21 of the Air



W.P(MD) No.19136 of 2022

(Prevention and Control of Pollution) Act, 1981 as amended is contravened which are offences punishable under Section 37 of the Act with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine not be issued for closure of the unit, stoppage of power supply, water supply etc., to the unit.

It is informed that non-receipt of any reply within the prescribed period will be construed that you have no satisfactory explanation to offer for the above said contravention and action will be taken on merits in accordance with law.

The receipt of this proceeding shall be acknowledged.”

3. Therefore, we directed the learned Additional Advocate General to get instructions from the Government and report to us.

4. Today, K.Piran, Executive Engineer, PWD, Building Construction and Maintenance Division, Tirunelveli and Mr.Nirmal Singh, Assistant Engineer, PWD, Building Construction and Maintenance Section, Sengottai, Tenkasi District, are present before this Court.



W.P(MD) No.19136 of 2022

5. The learned Additional Advocate General stated that the environmental clearance application and the application before the Tamil Nadu Pollution Control Board are pending, but, on account of the fact that the newly carved out district has to be commissioned, the Public Works Department had begun the construction work. He also submitted that the construction would be suspended for a further period of four weeks until the aforesaid clearances are obtained from respondents 1 and 3.

6. As regards the prayer of the petitioner for a mandamus to prosecute the fourth respondent, we are afraid that such a mandamus cannot be issued by this Court as there are alternate remedies available. Bearing in mind the larger public interest, we direct the second respondent to expeditiously dispose of the application dated 15.06.2022, which has been submitted by the fourth respondent to the second respondent for environmental clearance.

7. Recording the aforesaid undertaking, this writ petition stands closed. No costs.

[P.N.P., J.]

[R.H., J.]



W.P(MD) No.19136 of 2022

**26.08.2022**

Index : Yes / No  
Internet : Yes / No  
pkn

To:

- 1.The Member Secretary,  
Tamil Nadu State Level Environment  
Impact Assessment Authority,  
3<sup>rd</sup> Floor, Panagal Maligai,  
No.1, Jeenis Road,  
Saidapet, Chennai – 600 015.
- 2.The Member Secretary,  
Tamil Nadu Pollution Control Board,  
No.76, Mount Salai, Guindy,  
Chennai – 600 032.
- 3.The District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
Pettai, Tirunelveli – 627 010.
- 4.The Executive Engineer,  
Public Works Department,  
Building Construction and Maintenance Division,  
Tirunelveli District – 627 002.



WEB COPY



*W.P(MD) No.19136 of 2022*

**P.N.PRAKASH, J.**  
**and**  
**R.HEMALATHA, J.**

pkn

**W.P.(MD) No.19136 of 2022**



WEB COPY



*W.P(MD) No.19136 of 2022*

**26.08.2022**