



W.P.No.5879 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mrs.JUSTICE N.MALA

W.P.No.5879 of 2019
and
W.M.P.No.6719 of 2019

The Commissioner,
Salem City Municipal Corporation,
Salem

... Petitioner

vs

1. National Green Tribunal,
Principal Bench,
New Delhi.
2. V.Manickam,
S/o Velappagounder,
3/16, Koothampalayam,
Karumanur (P.O.),
Mallasamudram (Via),
Namakkal District - 637 503.
3. The Secretary,
Tamilnadu Pollution Control Board,
No.76, Mount Salai, Guindy,
Chennai - 600 032.



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4. The Superintending Engineer,
PWD (WRO),
Upper cauvery Basin Circle,
Salem - 7.
5. The District Environmental Engineer,
Tamilnadu Pollution Control Board,
Namakkal.
6. The Executive Engineer,
PWD (WRO), Sarabanga Basin Division,
Namakkal.
7. The District Collector,
Namakkal District, Namakkal.
8. N.Subramanian,
President,
Mallasamudhram Periya Yeri Ayakattu,
Neerpaasana Vivasayigal nala Sangam,
No.8/35, Ellapalayam,
Mallasamuthiram - 637 502,
Thiruchengode Taluk,
Namakkal District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the 1st respondent Tribunal in order dated 04.02.2019 made in O.A.No.51/2015(SZ) so far as it concerns to the payment of interim compensation of Rs.25,00,000/- (Rupees Twenty-Five Lakhs) and the



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consequential furnishing of Performance Guarantee of Rs.50,00,000
(Rupees Fifty Lakhs) and to quash the same.

For Petitioner : Ms.N.Devi
Standing Counsel for Municipal
Corporation

For Respondents : R1-Court
Mr.P.P.Shanmugasundaram for R2
Mrs.Shanmugvallisekar for R3 to R5
No appearance for R6 to R8

ORDER

(The Order of the Court was made by J.Nisha Banu,J.)

This writ petition has been filed challenging the order dated 04.02.2019 made by the National Green Tribunal insofar as it relates to the imposition of interim compensation for a sum of Rs.25,00,000/- and furnishing of performance guarantee to the tune of Rs.50,00,000/-

2. Today, when the matter is taken up for hearing, the learned counsel for the petitioner produced a final order passed by the National Green Tribunal in Original Application No.51/2015(SZ), wherein at paragraph No.12, it is stated as follows:

"12. Accordingly, we direct the Chief Secretary, Tamil



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Nadu to forthwith constitute a monitoring committee comprising of four Additional Chief Secretaries of concerned Departments - Environment, Municipal Administration, Irrigation/ Water Resource and Finance. The Additional Chief Secretary, Environment will be the Coordinator. The Committee may hold its first meeting within two weeks to take stock of the situation and prepare an updated action plan with time-bound targets. Progress on such targets must be reviewed atleast once in a month. The Committee may associate Chairman of the State PCB and District Magistrate, Salem and any other experts/individual/organization. The minutes of the meeting may be placed on the website of the Environment Department. The Chief Secretary may interact with the Committee atleast once in three months. Constitution of Committee is required for coordinated action. The Committee may consider core steps required to restore the water quality of the river so as to protect the environment and public health. Though all earlier laid down timelines by the Tribunal are over, the Committee must conclude execution of action plans



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within one year. Till household connections to STPs are secured, drains be intercepted and diverted to STPs. Treated sewage and recovered water by way of RO/Nano filtration be supplied to the industries, coordinating with the concerned associations, if necessary. Having regard to the priority of the issue, the allocation of necessary funds may be given priority. Funds available with the State PCB for restoration of environment may also be utilized, to the extent found viable. The Committee may also ensure that all concerned industries in the catchment area of the River in question adopt Zero Liquid Discharge (ZLD) and are compliant with the norms. The Committee may also ensure remedial action by the State PCB in exercise of statutory powers under the Water (Prevention and Control of Pollution) Act, 1974 against the erring industries/ individuals/ local bodies. Needless to say, the action taken has to be compliant with any subsisting interim orders of any competent court/authority. If any grievance survives, it will be open to the aggrieved party to take remedy afresh as per law. "



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2. From the above, it is seen that a Committee has been formed and the matter has been seized of by the Committee. Therefore, we are of the view that no further order is necessary in this writ petition. Accordingly, the Writ Petition stands closed. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B.,J.) (N.M.,J.)
15.09.2023

Index:Yes/No
Speaking/Non-speaking order
vsi

To

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6. The District Collector,
Namakkal District, Namakkal.



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