



WP.No.8951 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

WP.No.8951 of 2023
WMP.Nos.9972 to 9974 of 2023

1. Dr.P.Nagarajan
2. Jothi Sathyap Priya K
3. A.Thiyagaraj

Petitioners

Vs

1. The Secretary to Government, Environment, Climate and Forests Department, Fort St.George, Chennai-9
2. The Chairperson, Tamil Nadu Pollution Control Board Chennai-32
3. The Member Secretary, Tamil Nadu Pollution Control Board Chennai-32
4. The Chief Engineer, The State Ground and Surface Water Resources Data Centre, Chennai-113
5. The Central Pollution Control Board Delhi 110032

Respondents

Prayer:- This Writ Petition has been filed, under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records relating to the order dated 27.02.2024 of the NGT(SZ), made in OA.No.184 of 2023 (SZ) by the National Green Tribunal, Southern Zone Bench and to quash the same as it does not grant an order of stay of the impugned circular dated 10.10.2023,



WP.No.8951 of 2023

passed by the Respondents 2 and 3 contrary to scientific pollution index score, violation of the orders of this Court and the National Green Tribunal Principal Bench, New Delhi.

For Petitioners : Mr.T.Mohan, SC for Mr.R.Prabakar

For Respondents : Mr.Dr.T.Seenivasan, SGP-R1
Mr.V.Gunasekar, Standing Counsel-RR2 and 3
Mr.G.Nanmaran, SGP-R4
Mr.M.R.Gokul Krishnan, Standing Counsel-R5

ORDER

(Order of the Court was made by S.S.SUNDAR, J.)

1. This Writ Petition has been filed to issue a Writ of Certiorari to call for the records, relating to the order, dated 27.02.2024 of the NGT(SZ), made in OA.No.184 of 2023 (SZ) by the National Green Tribunal, Southern Zone Bench and to quash the same as it does not grant an order of stay of the impugned circular, dated 10.10.2023, passed by the Respondents 2 and 3 contrary to scientific pollution index score, violation of the orders of this Court and the National Green Tribunal Principal Bench, New Delhi.
2. This Court heard the learned counsel on either side, considered their submissions and also perused materials placed on record.
3. By the impugned order, the Tribunal, at the request of the Tamil Nadu Pollution Control Board to file a report, which is relevant, adjourned the matter to 15.03.2024. The grievance of the Petitioners is that the Tribunal failed to exercise its discretion to grant an interim order, while passing the impugned order. It is now reported that the Tribunal, by order dated, 15.03.2024, has



WP.No.8951 of 2023

adjourned the matter to 03.05.2024 as the Central Pollution Control Board has reported that they are in the process of issuing the final notification, pursuant to the draft notification issued by them and such a final notification would be relevant to resolve the issue.

4. The contention of the learned senior counsel for the Petitioners is that the decision of the Central Pollution Control Board is not necessary and the State Pollution Control Board has to act as they are bound by the classification and regulations. However, the limited prayer of the learned senior counsel for the Petitioners is that this Court, at least, may request the Tribunal to dispose of their interlocutory application without reference to the report and the decision of the Central Pollution Control Board. This Court, without hearing all the parties, who are interested, is not inclined to express our opinion on contentious issues.
5. Considering the limited prayer now sought for by the learned senior counsel for the Petitioners, without expressing any opinion on the merits of the submissions of the learned senior counsel for the Petitioners, this Court requests the Tribunal to dispose of the interlocutory application, pending disposal of OA.No.184 of 2023 (SZ), as expeditiously as possible, preferably, on or before 03.05.2024.
6. With the above observations, this Writ Petition is disposed of. No costs. Consequently, the connected MPs are closed.



WP.No.8951 of 2023

WEB COPY

(S.S.S.R.J.) & (N.S.J.)
05.04.2024

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Neutral Citation: Yes/No
Srcm



WEB COPY



WP.No.8951 of 2023

S.S.SUNDAR, J.
and
N.SENTHILKUMAR, J.

Srcm

To

1. The Secretary to Government, Environment, Climate and Forests Department,
Fort St.George, Chennai-9
2. The Chairperson, Tamil Nadu Pollution Control Board, Chennai-32
3. The Member Secretary, Tamil Nadu Pollution Control Board, Chennai-32
4. The Chief Engineer, The State Ground and Surface Water Resources Data
Centre, Chennai-113
5. The Central Pollution Control Board, Delhi 110032

WP.No.8951 of 2023

05.04.2024