



WEB COPY



WA No.1027 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA , CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

WA No.1027 of 2023

- 1.The Managing Director
CMRL, CMRL Depot
Poonamallee High Road
Koyambedu, Chennai 600 107
 - 2.The Director (Projects)
CMRL, CMRL Depot
Poonamallee High Road
Koyambedu, Chennai 600 107
 - 3,The Chief General Manager (Project Planning and Design)
CMRL, CMRL Depot,
Poonamallee High Road
Koyambedu, Chennai 600 107
 - 4.The General Manager (Construction)
CMRL, CMRL Depot,
Poonamallee High Road
Koyambedu, Chennai 600 107
 - 5.The Land Acquisition Officer
and Revenue Divisional officer
CMRL, CMRL Depot,
Poonamallee High Road
Koyambedu, Chennai 600 107
- .. Appellants

versus



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Trellis South Flat Owners Welfare Association
(TSFOWA) Rep. by its President
No.184, Arcot Road, Vadapalani,
(near Vadapalani Metro Station)
Chennai.

... Respondent

Prayer: Writ appeal filed under Clause 15 of the Letters Patent to set aside the order dated 27.03.2023 in WP.No.17008 of 2022,

For the Appellants :: Mr.P.S.Raman,
Senior Counsel,
for Ms.Rita Chandrasekar

For the Respondent :: Mr.R.Karunakaran,
for the respondent

Mr.Chevanan Mohan,
Amicus Curiae

JUDGMENT

(Made by the Hon'ble Chief Justice)

We have heard Mr.P.S.Raman, learned Senior Counsel for the appellants, Mr.R.Karunakaran, learned counsel for the respondent, and Mr.Chevanan Mohan, learned Amicus Curiae.

2. The present appeal is filed by the CMRL, assailing the committee formed by the learned Single Judge in WP No.17008 of 2022, under order dated 27.03.2023.



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3. The writ petition was filed by the present respondent seeking directions against the appellants to let off the open space reservation in the lands comprised in TS Nos.5/21, 5/27 and 5/28 to an extent of 16786 sq.ft., 2625 sq.ft. and 10.76 sq.ft. respectively. Abutting the Trellis Apartments, situate at No.184, Arcot Road, Vadapalani (Near Vadapalani Metro Station), Chennai.

4. During the course of hearing, the learned Single Judge formed the committee, considering the welfare of the residents and development of the State.

5. The constitution of the committee is as under:

- “i) Mr. Chevannan Mohan, Amicus Curiae appointed by this Court;*
- ii) The Member Secretary, Chennai Metropolitan Development Authority, Chennai;*
- iii) Mr.P.Immanuel, Joint Director of Horticulture/General Manager, O/o Managing Director, TANHODA, Chennai - 5;*
- iv) Dr.Rajeev K.Srivastava, IFS, Chief Advisor Environmental - CMRL; and*
- v) Mr. S.Sivakumar, President, Shenoy Nagar Welfare*



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*Association, No.10.19, Third Cross Street, East
Shenoy Nagar, Chennai 600 030.”*

6. It is the contention of Mr.P.S.Raman, learned Senior Counsel for the appellants, that already District Green Committee and State Green Committee are operating. They are constituted on the orders of Division Bench of this Court. Necessary Government order was also issued, earmarking the constitution of the said committee with its members. The appellants are answerable to them and are functioning as per their directions. However, again constituting another committee was not required.

7. Probably, it is with a view to streamline the construction activity and to protect the environment, the learned Single Judge thought it fit to form a committee.

8. It needs to be considered that there are two committees already in operation. The State Green Committee is constituted for policy decision. The District Green Committee is to look after the affairs as detailed in the order constituting the committee. They are constituted on the orders of Division Bench of this Court.



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9. If there are more committees, it may result in a chaotic situation. When under the Government Order, two committees are already functioning, which also include the expert members of the civil society groups and the forest officer, there was no necessity to again form another committee.

10. In the result, we modify the order of the learned Single Judge, dated 27.03.2023 to the extent that the committee constituted by the learned Single Judge in the said writ petition shall function to the extent of Shenoy Nagar park, as an advisory committee, to oversee its restoration.

11. As far as the directions across the State is concerned, the District Green Committee and State Green Committee shall operate. With this clarification, the writ appeal is disposed of. There will be no order as to costs. Consequently, CMP No.10254 of 2023 is closed.

(S.V.G., CJ.)

(P.D.A., J.)

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