



WEB COPY

W.P.No.19685 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.19685 of 2022

and

W.M.P.Nos.19011 & 19012 of 2022

Federation of Tamil Nadu Rice Mill Owners &
Paddy-Rice Dealers Association,
[Regn. No.400/2012]
Rep. by its President,
D.Thulasingham,
No.491, GNT Road, Balaji Nagar,
Puzhal,
Chennai – 600 066.

.. Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Vengikkal,
Tiruvannamalai District – 606 604.
- 2.The Chief Engineer,
State Ground and Surface Water Resources,
Data Centre, Tharamani,
Chennai – 600 113.
- 3.The Chairman,
Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai – 600 032.



4.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
541/B, Ashok Nagar, Venkikal,
Thiruvannamalai District – 606 604.

5.Edwin Wilson

6.The Secretary,
Water Resources Department,
Fort St. George, Secretariat,
Chennai – 600 009.

.. Respondents

(R6 *suo motu* impleaded vide order of
this Court dated 13.10.2022 made in
W.P.No.19685 of 2022)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, to call for the records of the order dated 29.03.2022 passed in O.A.No.167 of 2021 (SZ) by the National Green Tribunal (SZ), Chennai and quash the same.

For Petitioner	: Mr.K.S.Viswanathan Senior Counsel for Ms.T.Hemalatha
For RR 1, 2 & 6	: Mr.E.Vijay Anand Additional Government Pleader
For RR 3 & 4	: Mr.M.R.Gokul Krishnan for Ms.Shanmugavalli Sekar Standing Counsel for TNPCB
For R5	: Mr.S.Kamalesh Kannan



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ORDER

(Order of the Court was delivered by V.LAKSHMINARAYANAN,J.)

The petitioner impugned the order of the National Green Tribunal (SZ) in O.A.No.167 of 2021 (SZ), dated 29.03.2022.

2.In the light of the order we are going to pass *infra*, we are not going into the merits of the dispute.

3.Proceedings had been initiated before the National Green Tribunal (SZ) in O.A.No.167 of 2021 by one Edwin Wilson. To the said proceedings, neither the Writ Petitioner nor any other person who would be likely to be affected by any order passed, were made parties to the same. Without consideration of this fact, the Original Application came to be allowed whereby, adverse orders had been passed as against rice mill owners.

4.The petitioner is a federation of rice mill owners and they plead violation of principles of natural justice in this matter.

5.We have gone through the impugned order and the averments made by the petitioner seem to be true. Only the state respondents had



been made as parties and none of the affected parties have been impleaded or represented in a representative manner, as in the present Writ Petition.

6. Following the judgment of the Supreme Court in C.A.No.6642 of 2022 dated 20.01.2023, where the Supreme Court had passed the following order:

“5. Though, it is pointed by the learned ASG that since the ultimate order passed by the NGT is in favour of the respondents and their absence, at this stage would not be material, the learned senior counsel for the appellant would point out that such absence of the respondents during the hearing has prejudiced the appellant herein, who was the appellant before the NGT since, the appellant was denied of an opportunity of putting forth its contentions in response to the contentions to be urged on behalf of the respondents so as to clarify the factual position so as to enable the NGT to take an informed decision. In that circumstance, we feel that the principles of natural justice would require that an appropriate opportunity be granted to both the parties and then, an appropriate decision be taken by the NGT.



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6. Hence, without advertting to the merits of the rival contentions, only on the procedural aspect, we deem it appropriate to set aside order dated 06.09.2022 passed by the NGT, Special Bench and restore Appeal No. 48/2016(WZ) and MA No. 212/2016(WZ) to the file of the NGT to provide opportunity to both the parties and pass fresh orders in accordance with law.

7. In the meanwhile, pending consideration of the appeal by the NGT, the benefit of the interim order dated 09.09.2022 granted by this Court on 16.09.2022 during the pendency of this appeal shall continue till the disposal of the appeal by the NGT, unless the NGT deems it necessary to make such interim order/arrangement, if any. The NGT may take up the appeal and dispose of the same as expeditiously as possible and in accordance with law.”

7.In view of the said order, the order of the National Green Tribunal (SZ) in O.A.No.167 of 2021 (SZ), dated 29.03.2022 is set aside. The matter is remitted to the National Green Tribunal (SZ) for fresh disposal, after hearing the writ petitioner and such other persons who might be affected by its order.



8.The National Green Tribunal (SZ) shall implead the writ petitioner as 6th respondent to the said proceeding. It may receive a counter that may be filed and proceed in accordance with law. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

9.It is left open to the petitioner and respondents to implead any persons, who are parties to this Writ Petition. The Tribunal can decide whether the impleading applications that is to be filed are necessary for the disposal of the case.

10.With the above observations, the Writ Petition is allowed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

(V.M.V., J) (V.L.N., J)
27.04.2023

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To



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V.M.VELUMANI, J.



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