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W.P.No.26445 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.09.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.26445 of 2023
and W.M.P.No.25853 of 2023

M.Arun Vasanth

...Petitioner

Vs.

1. Member Secretary,
State Level Environment Impact Assessment
Authority, Tamil Nadu,
3rd Floor, Panagal Maaligai,
No.1, Jeenis Road, Saidapet,
Chennai 600 015
- 2.The Commissioner,
Tambaram City Corporation,
Tambaram- 600 045
3. M/s. Appaswamy Real Estates Limited,
Rep. by Mr. Rohit Ravi,
No.3, Mangesh Street,
T. Nagar, Chennai - 600 017
- 4.The Bloomingdale Flat Owner Association,
143 / 352, 7th Street,
Shankar Nagar,
East Main Road, Pammal,
Chennai 600 075.



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5. Bloomingdale Apartment Owners Welfare Association,
143 / 352, 7th Street,
Shankar Nagar, East Main Road,
Pammal, Chennai- 600 075

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to instruct the 3rd respondent to consider the petitioner's representation dated 27.03.2023 in the light of the conditions of Environmental Clearance issued by the 1st respondent.

For Petitioner : Mr.B.Kannan

For Respondent 1 : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader

For Respondent 2 : Mr.P.Srinivas
Standing Counsel

ORDER

The petitioner herein seeks a direction to the respondents 1 & 2 to instruct the 3rd respondent to consider the petitioner's representation dated 27.03.2023, in the light of the conditions of Environmental Clearance issued by the 1st respondent.



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2. According to the petitioner, he is a owner cum resident of the flat in 'Bloomingdale Apartment' developed by the 3rd respondent. The 3rd respondent had obtained approval from the respondents 1 & 2 for construction of flats. At the time of giving Environmental Clearance, the 1st respondent had imposed certain conditions regarding maintenance of water connection and under ground sewage connection etc., It is the specific case of the petitioner that the 3rd respondent failed to comply with the conditions imposed by the 1st respondent as mentioned in the Environmental Clearance order issued by the 1st respondent dated 21.03.2014.

3. Mr. R. U. Dinesh Rajkumar, learned Additional Government Pleader takes notice for the 1st respondent. Mr. P. Srinivas, learned Standing Counsel takes notice for the 2nd respondent.

4. Though the petitioner seeks a direction to the respondents 1 & 2 to instruct the 3rd respondent to consider his representation, such direction cannot be issued by this Court as against the 3rd respondent which is a private entity. The main grievance of the petitioner is that the 3rd respondent failed to comply



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with the conditions imposed by the 1st respondent at the time of granting Environmental Clearance. In such circumstances, the petitioner is permitted to make a fresh representation to the 2nd respondent within a period of two weeks from the date of receipt of copy of this order. If any such representation is submitted by the petitioner within the time stipulated above, the 2nd respondent shall consider the same in the light of the Environmental Clearance order passed by the 1st respondent and pass final orders on merits and in accordance with law within a period of four weeks thereafter.

5. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

08.09.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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S.SOUNTCHAR, J.
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To

1. The Member Secretary,
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- 2.The Commissioner,
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