



W.P.No.27631 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2023

CORAM

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

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M/s.Bala Vinayaga Blue Metals,
Now (Shri Balavinaayagaa blue metal),
Rep. by its Managing Partner
Thangaraj.K,
S.F. No 571 Saminatha Puram, Munnur Post,
Pugalur Taluk, Karur District- 639 111.

.... Petitioner

vs

1.The Chief Engineer,
Water Resources Organization,
Public Works Department,
Chepauk, Chennai-600 005.

2.The Superintending Engineer,
Groud Water Division,
Tharamani, Chennai-600 113.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to receive the Environmental compensation a sum of Rs. 1,00,000/- (Rupees one Lakhs only) as per the direction given by Honourable National Green Tribunal,



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Southern Zone, Chennai order dated 28.02.2022 made in O.A. No 106 / 2021 (SZ) by considering the petitioner's representation dated 05.08.2023.

For Petitioner : Mr.V.Anandhamoorthy

For Respondents: Mr. E. Vijay Anand
Additional Government Pleader

ORDER

(Order of the Court made by N.MALA,J.)

This writ petition is filed for issuance of a Writ of Mandamus directing the respondents to receive the Environmental compensation of a sum of Rs. 1,00,000/- (Rupees one Lakh) as per the direction issued by the Hon'ble National Green Tribunal, Southern Zone, Chennai vide order dated 28.02.2022 made in O.A. No 106 / 2021 (SZ) by considering the petitioner's representation dated 05.08.2023.

2. The O.A.No.106/2021 (SZ) was filed by one M.Kathirvel before the National Green Tribunal, Southern Zone, Chennai for action against the petitioner's unit alleging that there was illegal operation of the quarries and crushing units and also violation of the conditions imposed under the Environmental Clearance (EC) as well as consent/ permission granted. It was alleged that the petitioner's unit was causing air, noise, soil and water pollution.



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3. The Hon'ble National Green Tribunal disposed the O.A. on 28.02.2022 by issuing directions, based on the Joint Committee report filed before it. One of the directions issued was that the petitioner unit should pay Environmental compensation of Rs.1,00,000/- (Rupees One lakh) to the Water Resources Department within a period of two months for extraction of ground water without permission.

4. The petitioner in compliance of the above direction of the Hon'ble National Green Tribunal, sent a Demand Draft (DD).No. 535398 dated 11.05.2022 to the respondents, which was returned vide proceedings dated 26.06.2023 stating that there was no Government order or Rules, for receiving the Environmental compensation and that a proposal was sent to the Government seeking for clarification in this regard. It was also stated that the compensation amount would be received after getting the clarification from the Government. As the petitioner was not able to comply with the order of the National Green Tribunal, because of the proceedings of the respondents dated 26.06.2023, the petitioner was constrained to file the above writ petition for the aforesaid relief.



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5. When the matter was taken up for hearing today, the learned Additional Government Pleader on instructions of the 1st respondent stated that the Head of Account for receipt of the amount payable by the petitioner was clarified and he has also produced the Letter No.DD (G) / OT9/ AG-V/ 2023/ Dated 26.09.2023 in this regard. A copy of the said letter is also given to the petitioner's counsel. The learned counsel for the petitioner states that he will advice his client to make the payment as directed in the letter dated 26.09.2023.

6. The respondents has agreed to receive the Environmental Compensation of Rs.1,00,000/- (Rupees One Lakh) on such payment.

In view of the above, this writ petition is allowed. There shall be no order as to costs.

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

26.09.2023

Index : Yes / No
Speaking Order :Yes/No
Neutral citation : Yes / No
dsn

To

1.The Chief Engineer,
Water Resources Organization,



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Public Works Department,
Chepauk, Chennai-600 005.

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2.The Superintending Engineer,
Groud Water Division,
Tharamani, Chennai-600 113.

J. NISHA BANU, J.
and
N.MALA, J.



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