



WEB COPY



W.P.No.34903 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2023

CORAM :

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

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.34903 of 2022

S.Rajeshkanna

.. Petitioner

Vs

- 1.The Ministry of Environment,
Forest and Climate Change,
Jor Bagh, Lodhi Colony,
New Delhi, Delhi-110 003.
- 2.The Member Secretary,
State Environment Impact Assessment Authority,
No.1, Panagal Maligai Building, 3rd Floor,
Jeenish Road, Saidapet,
Chennai-600 015.
- 3.The Secretary,
Industries Department,
Commissionerate of Industries and Commerce,
SIDCO Corporate Office Building,
Thiru-vi-ka Industrial Estate,
Guindy, Chennai-600 032.
- 4.The District Collector,
Tiruvallur,
Tiruvallur District.



W.P.No.34903 of 2022

5.The Chairman,
Tamil Nadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai-600 032.

6.The District Environment Engineer,
Tamil Nadu Pollution Control Board,
1st Floor, 77-A, South Avenue Road,
Ambattur Industrial Estate,
Chennai-600 058
Tiruvallur District.

7.Tamil Nadu Small Industries Development
Corporation Limited,
TANSUDCO, SIDCO Corporate Office Building,
Thiru-vi-ka Industrial Estate,
Guindy, Chennai-600 032.

8.TNSIDCO Regional Office,
Branch Manager,
Kakkalur,
Ramapuram Putlur Road,
Kakkalur Industrial Estate,
Thiruvallur, Tamil Nadu-602 003.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondent authorities to take action, to earmark the boundaries of the waterbodies, water channels without changing the water course, stream channel, agazhi (moat), evidences and the nature of the archaeological sites, the nature of lands and to restrain the respondents from setting up any proposed industrial park of the 7th and 8th respondents causing great destruction to the water channels,



W.P.No.34903 of 2022

agazhis (moat), archaeological monuments to the agricultural lands in Survey Nos.369/2, 376, 331, 247, 240, 369/H and 369/H1 in their attempt to establish the industrial park without any revenue reclassification of the agricultural lands in Survey Nos.369/2, 376, 331, 247, 241, 240, 369/H and 369/H1 as contemplated under the relevant statutes namely Tamil Nadu Town and Country Planning Act, 1971, the Tamil Nadu Panchayat Act, 1994, etc.

For the Petitioner : Mr.B.Sasidaran

For the Respondents : Mr.AR.L.Sundaresan
Addl. Solicitor-General
assisted by
Mr.B.Rabu Manohar
SCGPC
for respondent No.1

: Mr.V.Chandrasekaran
SPC
for respondent No.2

: Mr.J.Ravindran
Addl. Advocate General
assisted by Mrs.R.Anitha
Spl. Government Pleader for
respondent Nos.3 and 4

: Ms.Shanmugavalli Shekar
Standing Counsel
for respondents 5 and 6

: Mr.K.Madhu
for respondents 7 and 8



W.P.No.34903 of 2022

WEB COPY

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Mr.B.Sasidaran, learned counsel for the petitioner; Mr.AR.L.Sundaresan, learned Additional Solicitor-General, assisted by Mr.B.Rabu Manohar, learned SCGPC for respondent No.1; Mr.V.Chandrasekaran, learned SPC for respondent No.2; Mr.J.Ravindran, learned Additional Advocate General, assisted by Mrs.R.Anitha, learned Special Government Pleader for respondents 3 and 4; Ms.Shanmugavalli Shekar, learned Standing Counsel for respondents 5 and 5; and, Mr.K.Madhu, learned counsel for respondents 7 and 8.

2. The petitioner seeks directions against the respondent authorities to earmark the boundaries of the water bodies and water channels, without changing the water course, stream channel and the nature of the archaeological sites and to restrain the respondent authorities from setting up the proposed industrial park causing great destruction to the water channels, archaeological monuments



W.P.No.34903 of 2022

and agricultural lands in the survey numbers mentioned in the prayer clause.

3. It is submitted that the National Green Tribunal has passed an order directing respondents 7 and 8 not to start the project activities in the land proposed to be assigned to them without getting physical possession of that land and without obtaining necessary clearances or permissions as required under the environmental laws. It has further directed the Revenue Department to demarcate the boundary of the water channel and odai mentioned in the revenue records and observed that if the land is assigned in favour of respondents 7 and 8, they can start their project after obtaining necessary approvals and clearances.

4. An affidavit is filed by the eighth respondent stating that the project will be established in the proposed site only after obtaining the land as per law and after obtaining necessary permissions or clearances, if any, required under the environmental laws, including the EIA Notification, 2006.



W.P.No.34903 of 2022

WEB COPY

5. It is further stated by the eighth respondent that the consent from the TNPCB under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 would also be obtained, if required.

6. The undertaking is given by the eighth respondent that the project would not be commenced unless necessary environmental clearances are obtained under the environmental laws and the consent is obtained from the TNPCB. Naturally, the order of the National Green Tribunal would be required to be complied with before the commencement of the project.

7. As far as the contention of learned counsel for the petitioner with regard to the applications of other parties for grant of patta is concerned, in fact, the public interest litigation would not be maintainable. It is for those persons to maintain the petition. On the one hand, the petitioner seeks directions to earmark the boundaries of water bodies and water channels and, on the other



W.P.No.34903 of 2022

hand, the petitioner cannot be heard to say that the applications of other persons seeking patta are pending. The same would be a contra argument.

The writ petition is disposed of accordingly. There will be no order as to costs. Consequently, W.M.P.Nos.34323, 34325, 34328 of 2022 and 23524 of 2023 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

09.10.2023

Index : Yes/No
Neutral Citation : Yes/No
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To:

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- 2.The Member Secretary,
State Environment Impact Assessment Authority,
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W.P.No.34903 of 2022

- 3.The Secretary,
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- 4.The District Collector,
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- 5.The Chairman,
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WEB COPY



W.P.No.34903 of 2022

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W.P.No.34903 of 2022

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