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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.08.2024

CORAM :

THE HONOURABLE JUSTICE P.DHANABAL

Crl.O.P.No.7756 of 2022

1. M/s. PSG Hospitals (A1)
owned by P.S.Govindaswamy Naidu & Son's Charities
Avinashi Road, Peelamedu,
Coimbatore 641 004.
Coimbatore South Taluk, Coimbatore District.
2. V.Jaganathan (A2)
General Manager - Administration
..Petitioners/Accused 1 & 2
-VS-

The Tamil Nadu Pollution Control Board
Rep. By its District Environmental Engineer, Coimbatore (South)
P.Manimaran
Plot No.E-55A, SIDCO Industrial Estate,
Pollachi Main Road, Kurichi, Coimbatore .Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C,
praying to call for the records relating to the complaint in C.C.No.920 of
2021 on the file of the Judicial Magistrate No.II, Coimbatore and quash the
same.

For petitioner	:	Mr.B.Kumar Senior Advocate For Mr.R.karthikeyan
For Respondent	:	Ms.Shanmugavalli for TNPCB



ORDER

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This Crl.O.P. is filed seeking to quash the complaint in C.C.No.920 of 2021 on the file of the Judicial Magistrate No.II, Coimbatore.

2. According to the petitioner, the respondent has lodged a private complaint against the petitioner for offenses under Section 15 r/w S.16, 19 (a) of the Environment (Protection) Act, 1986 alleging that the petitioner has involved in construction of hospital buildings at S.F.Nos.298, 300/2, 306, 307 pt, 308 pt, 499, 500, 501 and 502 pt of Sowripalayam Village and had completed the same. As per notification dated 14.09.2006 issued by the Ministry of Environment and Forests mandates that prior environmental clearance was required from the Central Government or as the case may be by the State level Environment Impact Assessment Authority (SEIAA) for construction of new projects or expansion or modernization of new projects or activities.

3. When this matter was taken up for hearing, both the counsels represented that this matter is covered by a judgement of this Court in Crl.O.P.No.6241 of 2014 and also as per the notification dated 15.11.2018



of the Ministry of Environment, Forest and Climate Change, the building and construction projects or activities shall not include industrial sheds, educational institutions, hospitals and hostels for educational institutions.

4. This Court by order dated 22.12.2023 in Crl.O.P.No.6214 of 2014 etc held as follows:

“19. The petitioners in Crl.O.P.Nos.6241 & 15572 of 2014, being the Educational Institutions, are entitled to get the benefit of exemption from obtaining the environmental clearance for the buildings constructed even before the notification No.S.O.3252 (E) dated 22.12.2014 and the subsequent notification dated 19.05.2022 .

20. In view of the above, the entire proceedings cannot be sustained as against the petitioners in Crl.O.P.Nos.6241 & 15572 of 2014, and the same are liable to be quashed. Accordingly, in C.C.No.46 of 2014 pending on the file of the learned Judicial Magistrate VII, Coimbatore, and the proceedings in C.C.No.3 of 2014 pending on the file of the learned Judicial Magistrate, Sriperumbudur, are hereby quashed.”

5. In view of the above, the C.C.No.920 of 2021 on the file of the



Judicial Magistrate No.II, Coimbatore stands quashed and as a sequel, this
Crl.O.P. stands allowed.

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Internet : Yes/No
Index : Yes/No
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P.DHANABAL, J.



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