



WEB COPY

CRP.Nos.1581 & 1583 of 2



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.Nos.1581 & 1583 of 2022

and

C.M.P.Nos.7961 & 7972 of 2022

K.Srinivasan

...Petitioner in both CRPs

Vs.

- 1.The Tamilnadu Pollution Control Board,
Rep. by its Chairman,
100, Anna Salai, Guindy,
Chennai - 600 032.
- 2.The Joint Chief Environmental Engineer (M),
Chennai Region,
Tamilnadu Pollution Control Board,
First Floor, 950/1, Poonamalle High Road,
Arumbakkam, Chennai - 600 106.
- 3.The District Environmental Engineer,
Tamilnadu Pollution Control Board,
First Floor, 950/1, Poonamalle High Road,
Arumbakkam, Chennai - 600 106.
- 4.M/s.T.M.Radhakrishna Chetty & Co,
A partnership firm Rep. by its Managing Partner,
T.G.Radhakrishnan,
Plot No.G2, Vyasarpadi Cooperative Industrial Estate,
Sembium Village, Perambur Taluk,
Chennai District - 600 039.

...Respondents in both CRPs



Common Prayer: Civil Revision Petitions filed under Article 227 of the Constitution of India, against the order dated 10.02.2021 passed by the learned Appellate Authority in Application Nos.9 & 8 of 2021 in Appeal Nos.5 & 4 of 2021.

For Petitioner : Mr.Yogeshwaran A in both CRPs

For Respondents : Mrs.Shanmugavalli Sekar for R1 to R3
in both CRPs

Ms.A.U.Bharathy for R4 in both CRPs

COMMON ORDER

Though the revision petitions are filed against an order of stay granted by the Appellate Authority under the Tamil Nadu Pollution Control Board, the Bar is in agreement that the appeal itself is not maintainable, in view of the Judgment of the Hon'ble Supreme Court, concluding that when a composite order is passed both under the Air Act and Water Act, forum for challenge is the High Court under Article 226 and not the Appellate Authority constituted under the relevant pollution laws.

2.In view of the submission by the learned counsel for the parties, the Appeal Nos. 4 & 5 of 2021 said to be pending before the Appellate



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Authority constituted by the Tamil Nadu Pollution Control Board will stand rejected as not maintainable and all interim orders will stand vacated.

Accordingly, these Civil Revision Petitions are **disposed of**. No costs.

Consequently, connected miscellaneous petitions are closed.

09.02.2024

kkn

Internet:Yes

Index:No

Speaking

Nuetral Citation :No

To:-

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R.SUBRAMANIAN, J.

KKN

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