



W.P No.26708 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2024

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P No.26708 of 2019

Usha

.. Petitioner

-VS-

- 1 The Union Of India
Rep By Its Secretary To The Government
The Ministry Of Environment
Forests And Climate Change
Paaryavaran Bhavan, Jor Bagh
New Delhi.
- 2 State Of Tamilnadu
Rep By Its Secretary To Government
Secretariat Fort St.george Chennai-600 009
- 3 State Of Tamilnadu
Rep By Its Secretary To Government Public
Work Department Secretariat Fort St.george
Chennai-600 009
- 4 State Of Tamilnadu
Rep By Its Principal Secretary To Government
Animal Husbandary dairying And Fisheries
Department Secretariat Fort St.george
Chennai-600 009



W.P No.26708 of 2019

WEB COPY

- 5 State Of Tamilnadu
Rep By Its Principal Secretary To Government
Environment And Forests Department
Secretariat Fort St.george Chennai-600 009
- 6 State Of Tamilnadu
Rep By Its Principal Secretary To Government
Tourism Tourism Development Corporation
Secretariat Fort St.george Chennai-600 009
- 7 State Of Tamilnadu
Rep By Its Secretary To Government Planning
Development And Special Initiatives
Department Secretariat Fort St.george
Chennai-600 009
- 8 The District Collector
Tiruvallur Taluk Tiruvallur District
Tiruvallur-602001.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus directing the respondents 1 to 8 A) To direct the respondents 1 to 8 to dredge the mouth of Pulicat Lake to ensure free flow of sea water in to the lake B) To Direct the respondents 1 to 8 authorities to maintain the Pulicat Lake and restore it to its pristine state free from any contamination or pollution or encroachment C) To direct the respondent 1 to 8 authorities take all steps to ensure that the upstream course of the Pulicat Lake at Thiruvallur District is restored and the flow of freshwater is maintained D) To direct the respondents pleased to take necessary action maintain the pullicat lake free from contamination and pollution and seeking the relief of



W.P No.26708 of 2019

direction to the respondent 1 to 8 herein to dredge of the bar mouth and find a permanent solution to the silting of the waterbody and allow sea water into the Pulicat Lake and its restoration and submit periodical reports to this Hon'ble Court.

For the Petitioner : No appearance
For the Respondents : Mr.N.Ramesh - for R1
Mr.C.Kathiravan
Special Government Pleader
-for R2 to R8

* * * * *

ORDER

(Made by the Hon'ble Chief Justice)

None appears for the petitioner. On the last date also, none appeared for the petitioner.

2. Learned Special Government Pleader has filed status report.
Paragraphs 19 to 25 of the status report read thus:

" 19. It is submitted that, the Proposal was considered in the 254th meeting of Expert Appraisal Committee on 11th February 2021 through video conferencing. During meeting certain additional particulars about migratory bird



WEB COPY



W.P No.26708 of 2019

in Pulicat Sanctuary, fishery datas and outcome of Southern Council Meeting. The above Particulars were sent to MoEF&CC vide letter dated 04.03.2021. Further the EAC Sub-Committee members field visit was conducted on 07.09.2021 to Pulicat Bar Mouth regarding Environmental clearance.

20. It is submitted that the Environmental Clearance (EC) was issued by Ministry of Environment, Forest & Climate Change, New Delhi with Identification No.EC22A033TN137701 dated on 14.02.2022. In the Environmental Clearance vide Pg.No.03 (Specific Conditions-Statutory Provisions-i), it has been clearly mentioned that "the clearance is subject to obtaining prior clearance from the Forest Department, including clearance from the Standing Committee of the National Board for Wildlife, as applicable, as per the Ministry's OM dated 8th August 2019. Grant of environmental clearance does not necessarily imply that wildlife clearance shall be granted to the project and that their proposal for wildlife clearance will be considered by the respective authorities on its merit and decision taken.

21. It is submitted that, for applying wild life clearance, proposal has been sent to Wild Life Warden, Chennai towards getting approval of National Board for



WEB COPY



W.P No.26708 of 2019

Wild Life (NBWL) on 27.10.2020. As per the letter received from Principal Conservator of Forests, Ref.No.WL 5(A)/31720/2021 dated 26.07.2022, we have withdrawal the proposal as the Report needs to be modified to make it environmentally suitable with proper recommendation to Wildlife Warden, Chennai.

22. It is submitted that, the application was resubmitted with proper recommendation to the Wild Life Warden, Guindy, Chennai (WL/TN/Approach/41135/2022) along with necessary details on 23.12.2022 in PARIVESH webportal. Meanwhile, the proposal has been recommended by Wild Life Warden to Principal Chief Conservator of Forest and Chief Wildlife Warden (PCCF) for getting State Level Wild Life Clearance.

23. It is submitted that, the Hon'ble Forest Minister, the Principal Chief Conservator of Forest and Chief Wildlife Warden (PCCF) has inspected the proposed site on 02.08.2023 and recommended the proposal to State Board for Wild Life (SBWL). During the State Wildlife Clearance meeting which was held on 26.09.2023 at Secretariat under the Chairmanship of Hon'ble Minister of Forests, the proposal has been recommended to National Board for Wild Life (NBWL).



W.P No.26708 of 2019

WEB COPY

24. It is submitted that, the permanent stability of Bar mouth proposal was considered in the 75th meeting of the Standing Committee of National Board for Wild Life (NBWL) held on 17th November 2023 under the Chairmanship of the Hon'ble Minister of Environment, Forest and Climate Change, Government of India. The Minutes of the 75th meeting was released on 08.12.2023 and the proposal was recommended by the Standing Committee of National Board for Wild Life (NBWL).

25. It is submitted that, the initial work for providing approach road has been started and the bar mouth will be opened on permanent basis with an estimated cost of Rs.26.85 Crore, which will in-turn provide for the continuous exchange of water between the lake and the Bay of Bengal. It will help to maintain the bio-diversity and ecological system of the lake."

3. It appears that steps are taken for the Wild Life Clearance. Proposal is submitted and the same is recommended by the Wild Life Warden to the Principal Chief Conservator of Forest and Chief Wildlife Warden (PCCF) for getting State Level Wild Life Clearance. Inspection has also been carried out on 02.08.2023 by the Principal Chief Conservator of Forests and Chief Wildlife Warden, who



W.P No.26708 of 2019

recommended the proposal to the State Board for Wild Life (SBWL).

Subsequently, the same is recommended to the National Board for Wild Life (NBWL). The initial work for providing approach road has been started and the bar mouth will be opened on permanent basis with an estimated cost of Rs.26.85 Crores, which will in-turn provide for the continuous exchange of water between the lake and the Bay of Bengal. It will help to maintain the bio-diversity and ecological system of the lake.

4. In the light of the aforesaid facts, the writ petition is disposed of. There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

31.01.2024

Index : Yes/No
Neutral Citation : Yes/No
KST



W.P No.26708 of 2019

WEB COPY

To

- 1 The Secretary To The Government
The Ministry Of Environment
Forests And Climate Change
Paaryavaran Bhavan, Jor Bagh
New Delhi.
- 2 The Secretary to Government
State Of Tamilnadu
Secretariat Fort St.George Chennai-600 009
- 3 The Secretary To Government
State Of Tamilnadu,
Public Work Department
Secretariat Fort St.George
Chennai-600 009
- 4 The Principal Secretary To Government
State Of Tamilnadu
Animal Husbandary Dairying And Fisheries
Department Secretariat Fort St.George
Chennai-600 009
- 5 The Principal Secretary To Government
State Of Tamilnadu
Environment And Forests Department
Secretariat Fort St.george Chennai-600 009
- 6 The Principal Secretary To Government
State Of Tamilnadu
Tourism Tourism Development Corporation
Secretariat Fort St.george Chennai-600 009



W.P No.26708 of 2019

WEB COPY

- 7 The Secretary To Government
State Of Tamilnadu
Planning Development And Special Initiatives
Department Secretariat Fort St.george
Chennai-600 009
- 8 The District Collector
Tiruvallur Taluk Tiruvallur District
Tiruvallur-602001.



WEB COPY



W.P No.26708 of 2019

THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(kst)

W.P No.26708 of 2019

31.01.2024