



W.P.(MD)No.21037 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.21037 of 2024

S.Vijay Andrew Alias Bheemaroo
S/o.Selvin Arputharaj Rathinam

... Petitioner

-VS-

- 1.The State of Tamil Nadu,
Represented by its Chief Secretary,
Secretariat,
Fort St. George,
Chennai – 600 009.
- 2.The State of Tamil Nadu,
Represented by its Principal Secretary,
Labour Welfare and Skill Development Department,
Secretariat,
Fort St. George,
Chennai – 600 009.
- 3.The State of Tamil Nadu,
Represented by its Principal Secretary,
Industries Investment Promotion and Commerce Department,
Secretariat,
Fort St. George,
Chennai – 600 009.



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4. Virudhunagar District Legal Services Authority,
Represented by its Secretary,
District Court Campus,
Srivilliputhur,
Virudhunagar District – 626 135.
5. The District Collector,
Office of District Collectorate,
Virudhunagar,
Virudhunagar District – 626 002.
6. The Revenue Divisional Officer (RDO),
Office of the Revenue Divisional Officer,
Sathur,
Sathur Taluk,
Virudhunagar District – 626 131.
7. The Proprietor,
Sree Mariyammal Fireworks Factory,
Achankulam Village,
Vembakottai Taluk,
Virudhunagar District – 626 203.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to total of Rs.20 lakhs each to the 27 persons who died by name 1.Selvi Santhiya 2.Tmt.Karpagavalli, 3.Tmt.Nesamani, 4.Tmt.Thangalakshmi, 5.Tmt.Panjavarnam, 6.Thiru.Bakiyaraj, 7.Tmt.Selvi, 8.Tmt.Dhanalaxmi, 9.Tmt.Usha, 10.Thiru.Ravichandran, 11.Thiru.Chinnathampi, 12.Thiru.Rengaraj, 13.Thiru.Kannan, 14.Thiru.Sankaranarayanan, 15.Thiru.Karuppasamy, 16.Tmt.Sankareswari, 17.Tmt.Mallika, 18.Tmt.Poomari, 19.Thiru.Gopal, 20.Thiru.Vanaraj, 21.Tmt.Vaijeyanthi Mala, 22.Tmt.Jeya, 23.Thiru.Kaliappan, 24.Tmt.Rajammal,



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25.Thiru.Michael Raj, 26.Tmt.Santhanamari, 27.Tmt.Veeralakshmi, in an explosion at Sri Mariammal Fireworks Factory, located in Achankulam Village of Virudhunagar District on 12.02.2021 and also provide Rs.10 lakhs to each, who has sustained 50% injuries for 1 person, by name, Thiru.Muthupandi and Rs.5 lakhs each person, who has suffered 25% to 50% injuries for 25 persons, by name, 1.Tmt.Pushpam, 2.Tmt.Sanmugavadivu, 3.Thiru.Devaschayam, 4.Tmt.Sankareshwari, 5.Tmt.Mery, 6.Tmt.Balasubbu, 7.Thiru.Muthukutti, 8.Thiru.Veyilmuthu, 9.Tmt.Malayammal, 10.Selvi.Saktheeswari, 11.Tmt.Vasantha, 12.Thiru.Bruceli, 13.Thiru.Karuppasamy, 14.Thiru.Baskar, 15.Thiru.Kaliraj, 16.Tmt.Yesu Backiam, 17.Thiru.Antony Raj, 18.Tmt.Soosai Rathinam, 19.Tmt.Jeyarani, 20.Thiru.Subura, 21.Thiru.Karuppasamy, 22.Tmt.Karthika, 23.Thiru.Muthuraj, 24.Thiru.Manikandan, 25.Chinnaraj, according to the order passed by the National Green Tribunal, Principal Bench, New Delhi, within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Alagumani
For R1 to R3 and R5 : Mr.P.Thialkkumar
Government Pleader
For R6 : Mr.E.Marees Kumar

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

This Public Interest Litigation seeks the execution of the Award of the National Green Tribunal, Principal Bench, New Delhi.



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2. We feel that better and more effective remedy is available to the petitioner under Section 25 of the National Green Tribunal Act, 2010 [hereinafter referred to as "the Act"]. While Section 25 of the Act provides for execution of the awards, Section 26 of the Act imposes penalties for failure to comply with the orders of the Tribunal. The provisions of Section 26 of the Act are much more deterrent than the teeth available to this Court under Article 226 of the Constitution of India. Hence, we do not propose to entertain the Writ Petition. We leave it open for the petitioner to approach the National Green Tribunal, Southern Bench, to which the orders have been transferred from the National Green Tribunal, New Delhi. We are sure that the National Green Tribunal, Southern Bench will definitely take note of Section 26 of the Act and implement it in its letter and spirit.

3. The Writ Petition stands disposed of with the above observation.

No costs.

NCC : No
Index : No
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[R.S.M., J.] [L.V.G., J.]
30.09.2024



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Chennai – 600 009.
- 2.The Principal Secretary to Government of Tamil Nadu,
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Chennai – 600 009.
- 3.The Principal Secretary to Government of Tamil Nadu,
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- 4.The Secretary,
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