



W.P.(MD)Nos.90 to 103 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)Nos.90 to 103 of 2024
and W.M.P.(MD)Nos.86 to 118 and 121 to 126 of 2024

W.P.(MD)No.90 of 2024

M.Samuthira Muthu

... Petitioner

Vs.

- 1.The District Collector,
Collectorate Campus,
Tenkasi,
Tenkasi District.
- 2.The Assistant Geologist / Assistant
Director (Incharge),
Department of Geology and Mining,
Collectorate Building,
Tenkasi District.



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3. Tamil Nadu Hill Area Conservation Authority,
Rep. by its Member Secretary,
807, Anna Salai,
Chennai – 600 002.

4. The Tahsildar,
Sivagiri Taluk Office,
Tenkasi District.

5. The Executive Engineer,
TANGEDCO,
Kadayanallur,
Tenkasi District.

6. S. Karthikeyan

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned order in Na.Ka.I2/426/2023 dated 22.11.2023 on the file of the Respondent No.1 and the consequential order in SVGREV/1617/2023-B3 dated 06.12.2023 on the file of the Respondent No.4 in so far as the petitioner is concerned and quash the same as illegal and consequently forbearing the Respondent Nos.1 to 5 from disconnecting electricity, Locking and Sealing the petitioners Brick Kiln namely JS Bricks within the time frame stipulated by this Court.



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For Petitioner : Mr.T.Lajapthi Roy, Senior Counsel
(In all W.Ps)

For Respondents : Mr.P.Thilak Kumar,
(In all W.Ps) Govt. Pleader for R1 to R4

COMMON ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

These Writ Petitions have been filed seeking for issuance of a Writ Certiorarified Mandamus, calling for the records pertaining to the Impugned order in Na.Ka.I2/426/2023 dated 22.11.2023 on the file of the Respondent No.1 and the consequential order in SVGREV/1617/2023-B3 dated 06.12.2023 on the file of the Respondent No.4 in so far as the petitioners are concerned and quash the same as illegal and consequently forbearing the Respondent Nos.1 to 5 from disconnecting electricity, Locking and Sealing the petitioners Brick Kiln namely JS Bricks within the time frame stipulated by this Court.



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2. Heard the learned counsel appearing for the petitioners and Mr.P.Thilakumar, learned Government Pleader appearing for the respondents 1 to 4. Considering the nature of the order proposed to be passed in this Writ Petition, notice to the respondents 5 and 6 is dispensed with.

3. By consent, these Writ Petitions are taken up for final disposal at the admission stage itself.

4. According to the petitioners, the extent of Eco sensitive zone for the Sivagiri Reserve Forest itself is only in the stage of draft notification in S.O. 3072 (E) Ministry of Environment, Forest and Climate Change dated 06.07.2022 and the Ministry of Environment Forest and Climate Change is taking efforts by constitution a Committee for declaration of Eco Sensitive Area in Western Ghats region and the Tenure of the committee has been extended for finalization. Therefore, relying upon the said notification, the impugned order passed by the respondent is unjust and without any jurisdiction.



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5. The learned Government Pleader appearing for the respondents 1 to 4 submitted that the issue is now pending before the National Green Tribunal, Principal Bench, New Delhi.

6. On a perusal of the records, it is seen that the impugned order has been passed for implementation of the direction issued by the National Green Tribunal, Principal Bench, New Delhi, on 29.05.2023, wherein a direction has been given to a Joint Committee comprising District Collector, Tenkasi, State PCB and District Forest Officer, Tenkasi, who shall visit the site, collect relevant information and if finds any violation of environmental laws and norms, shall take appropriate remedial / preventive action in accordance with law. Therefore, if the petitioners are aggrieved, they have to approach the National Green Tribunal, Principal Bench, New Delhi for redressal of their grievances. Hence, we are not inclined to entertain these Writ Petitions.



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WEB COPY 7. Accordingly, these Writ petitions are dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are also closed.

[D.K.K., J.] [R.V., J.]

04.01.2024

Neutral Citation: Yes / No

Index : Yes / No

Note: Registry is directed to return the original copy of the impugned order to the learned counsel for the petitioners after replacing the same with a xerox copy.

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