



W.P.No.12357 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.12357 of 2025
and W.M.P.Nos.13954, 13955 & 13956 of 2025

Ramaniyam Towers Residents Association
Represented by Mr.Kannan Subbaih
Authorized Representative
Registration No.353 of 2002
No.12, Greenways Road, R.A.Puram
Chennai – 600 028.

.. **Petitioner**

Vs.

1. The District Level Green Committee
Chennai District
Rep.by its Chairperson
The District Collector
Fourth Floor, M.Singaravelar Maaligai
62, Rajaji Salai, Chennai Collectorate
Chennai – 600 001.

2.The Divisional Engineer (H)
CMDP Division – III
Highways Department
Government of Tamil Nadu
76/2, Sardar Patel Road, Guindy
Chennai – 600 025.

.. **Respondents**



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records of the 1st respondent culminating in the minutes of its 7th meeting on 24.10.2024 and quash the same in so far as it relates to the approval accorded to the 2nd respondent at serial number 16 of the impugned proceedings for the felling of 69 trees and relocation of 12 trees, pass such further or other orders.

For the Petitioner : Mr.Yogeshwaran .A

For the Respondents : Mr.M.Suresh Kumar
Additional Advocate General
assisted by
Mr.V.Venkataseshiya
Government Advocate

ORDER

The Writ Petition is filed challenging the minutes of the 7th meeting of the District Level Green Committee, Chennai District dated 24.10.2024 and quash the same, in so far as it relates to the approval accorded to the 2nd respondent, viz., the Divisional Engineer, Highways Department, Government of Tamil Nadu at Sl.No.16 of the impugned proceedings. By the said approval of the Green Committee permission was granted for felling up of 69 Nos. of trees and relocation of 12 Nos. of trees.



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2. The primary contention of the petitioner is that the project proponent, namely the concerned Divisional Engineer of the Highways Department, is already a member of the Green Committee. When all these proposals were considered, the very same officials were present as members of the Committee, and the decision to grant permission was taken with their involvement. Since they are both the project proponents and the decision-makers within the Committee, the petitioner argues that the entire decision is vitiated by the principle of bias.

3. The Writ Petition is resisted by filing a counter affidavit. In the counter affidavit it is mentioned that since the 2nd respondent is a regular committee member and when number of proposals are kept in the same meeting, she also sat in the meeting. Two officials from the Highways Department were present as Committee members as well. However, they did not participate in the deliberations when Item No.16 was taken up for discussion. Therefore, the claim made in the Writ Petition need not be entertained. The Apartment Owners' Association cannot attempt to obstruct



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an essential public project by raising such allegations. They do not have the right to insist that they alone should occupy the dead end of the road. It is also the contention of the learned Additional Advocate General that similar interim relief was also prayed when the petitioner approached the National Green Tribunal in O.A.No.55 of 2025.

4. In reply, the learned counsel for the petitioner submits that although the original application seeking larger relief is pending before the National Green Tribunal, the Tribunal does not have jurisdiction to entertain a challenge to the report of the Green Committee, as it does not arise under any of the seven legislations over which the Tribunal has jurisdiction. Therefore, only on account of necessity, the petitioner has filed the present Writ Petition before this Court.

5. I have considered the rival submissions made on either side and perused the material records of the case.



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6. As rightly contended by the learned counsel for the petitioner, in order to challenge the decision of the District Level Green Committee, the petitioner has to approach only this Court, as the same cannot be specifically challenged before the National Green Tribunal. It is also seen that after the permission was granted, 36 trees have already been removed and the balance work is only to be undertaken and the work is in progress.

7. Be that as it may, when the law mandates that the permission of the Green Committee must be obtained, the mere implementation of a part of the decision will not prevent this Court from examining the validity of the order passed by the Green Committee. There is no doubt that when multiple proposals are placed before the Green Committee on the same day, and officials of the Highways Department are part of the Committee, they may participate in the proceedings. However, when Item No. 16 was taken up for deliberation, they ought to have recused themselves from the discussion. They should have appropriately left the hall, and in any event, it should have been expressly recorded in the minutes that they had recused



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themselves from the discussion. In the absence of such a record in the minutes, the statement made in the counter-affidavit that they were merely passive and did not take part in the deliberations cannot be accepted. When the Committee is convened and its members are present, even passive presence amounts to participation, especially when no formal recusal is recorded.

8. The next submission made by the learned Additional Advocate General is that the minutes was signed only by two other officials and not the said officials of the Highways Department. The same can be taken as a factor, if a separate minutes is recorded in respect of Item No.16. The fact remains that all the common minutes, were signed only by the two officials. Merely because two officials alone signed, that cannot be taken as if these officials recused themselves when this item was taken. Therefore, I am unable to accept the case of the respondents. However, they can again reconsider the issue in the absence of project proponents/applicants and with the other members alone.



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9. In view thereof, this Writ Petition is disposed of on the following terms:-

(i) The impugned minutes of the 7th meeting of the 1st respondent dated 24.10.2024 is quashed insofar as it relates to Serial No. 16 concerning the felling of 69 trees and the re-location of 12 trees. The Committee is at liberty to reconsider the issue, taking into account the fact that the earlier decision has already been partially implemented and that the number of remaining trees that are further proposed to be removed / relocated. The fresh decision will affect only the remaining number of trees.;

(ii) The Committee shall deliberate in the absence of the project proponent and take a fresh decision in accordance with law;

(iii) The Committee may also consider whether the felling of any tree can be avoided. If the required work can be carried out with any of the tree remaining in place, and pavement can be made accordingly, the same may also be taken into consideration by the Committee. The objective of the entire exercise is to preserve as many trees as possible;



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(iv) With the above objective, the Committee shall reconsider the issue and pass fresh orders;

(v) No costs. Consequently, the associated miscellaneous petitions are closed.

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Neutral citation : Yes / No

To

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The District Collector
The District Level Green Committee
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