



WEB COPY

WP No. 31146 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-03-2025

CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WP No. 31146 of 2024

and

WMP.No.33788 of 2024

1. Mr.Lalit Kumar R.Shah
No 2C, Adeti Kunj Apartmnt,
Old No. 29, New No 20,
Balfour Road, Chennai 600 010

Petitioner(s)

Vs

1. Chennai Metro Rail Limited
Represented By Authorised
Representative
No 327, Anna Salai, Nandanam
Chennai 600 035

2.Tata Projects Limited
Represented By Authorised
Representative
One Boulevard Street, Lake Boulevard
Road Powai, Mumbai 400 076



3. Central Pollution Control Board
Rep By Authorised Representative
Parivesh Bhawan, East Arjun Nagar,
Delhi 110 032

4. The District Collector
Fourth Floor,
M. Singaravelar Maaligai,
62, Rajaji Salai, Chennai Collectorate,
Chennai 600 001

5. Chennai Metropolitan Development
Authority
Rep By Authorised Representative,
Thalamuthu-Natarajan Maaligai,
No.1, Gandhi Irwin Road,
Egmore Chennai 600 008

6. Tamil Nadu Pollution Control Board
Rep By its Chairman
76, Mount Salai, Guindy,
Chennai 600032

7. The Commissioner Of Police,
Chennai
No 33, EVK Sampath Salai, Park Town
Periamet, Chennai 600 003

Respondent(s)

PRAYER

Setting aside the order of the Learned national Green Tribunal dated 22.08.2024 made in OA No. 175 of 2024 and IA Nos. 80 and 81 of 2024 and direct the learned Tribunal to issue necessary directions in accordance with the environmental law fulfilling the mandates to guarantee various right under Article 21 of the constitution of India and in accordance with the judgement reported in AIR 2005 SC 3136 and 2005 8 SCC 796.



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For Petitioner(s): Mr.Samir S Shah And Mr.Dhruv A. Thaker
For M/s.Shah And Shah

For Respondent(s): Mr.P.S.Raman Advocate General Asst By
M/s. B.Vijay AGP For R1
M/s.P.J. Sri Ganesh, For R2
Mr.M. R. Gokul Krishnan SC For R3
Mr.E.Veda Bagathsingh Special GP for R4
Mr.S.Sai Sathya Jith Standing Counsel For
TNPCCB For R6
Mr.M.Babu Muthu Meeran APP For R 7

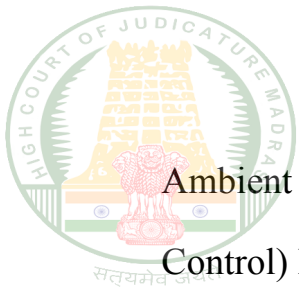
ORDER

(Order of the Court was made by S.M.Subramaniam J.)

The Writ on hand has been instituted challenging the order dated 22.08.2024 passed by the National Green Tribunal, South Zone, Chennai.

2. The petitioner is a senior citizen residing in an apartment at Balfour Road, Chennai. Due to the implementation of the Chennai Metro Rail Project, the petitioner has been subjected to noise pollution, resulting in health ailments and sleepless nights.

3. Learned counsel for the petitioner would submit that several legal notices and complaints were submitted, but no action has been taken by the competent authority. Thereafter, the petitioner approached the National Green Tribunal, which, instead of adjudicating the issues on merit, directed the writ petitioner to file a complaint before the authority regarding the exceedance of



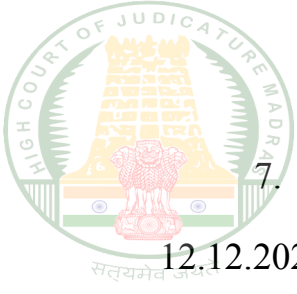
Ambient Noise Standards in violation of the Noise Pollution (Regulation and Control) Rules, 2000. Consequently, the present Writ Petition was instituted.

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4. Learned Advocate General, would oppose by stating that, if any complaint has been received by the Commissioner of Police or the competent authority of the State Government, the same will be looked into and appropriate actions will be taken.

5. Undoubtedly, the Metro Rail Project is a public project undertaken in the interest of the people residing in Chennai. However, the implementing authorities must ensure that adequate measures are taken to control noise pollution and other inconveniences to the people residing nearby the project. While implementing the project, every effort should be made to minimize inconveniences to the extent possible, ensuring that pollution laws are not violated.

6. In the present case, the petitioner, through his lawyer, sent notices and submitted a complaint. As far as the complaint is concerned, the competent authority shall examine the nature of the complaint, conduct an inquiry following the prescribed procedure, and afford an opportunity to the petitioner. Subsequently, the authority shall take effective measures to implement the project, without causing much inconveniences to the residence in and around the project implementation area.



7. Pertinently, pursuant to the interim order passed by this Court on 12.12.2024, the competent authority conducted a joint inspection and a report has been filed before this Court. In the report, it is stated that several measures are taken. However, the said report has been disputed by the learned counsel for the petitioner, by stating that the Pollution Control Board Authorities have colluded with the Metro Rail Project agencies.

8. May that as it be, this Court is of the considered opinion that the complaint already filed by the petitioner to the Assistant Commissioner of Police or the District Collector shall be looked into and an inquiry is directed to be conducted and all appropriate measures are directed to be taken to ensure that the Pollution Control Norms and other laws are followed during the implementation of the Metro Rail Project in the manner known to law. This exercise is directed to be completed as expeditiously as possible.

9. With the observations, the Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

(S.M.SUBRAMANIAM J.)(K.RAJASEKAR J.)

19-03-2025

gd

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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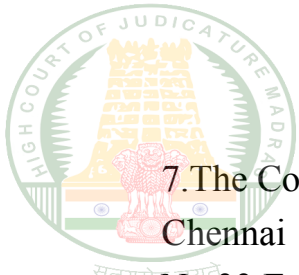
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**S.M.SUBRAMANIAM
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