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W.P.Nos.36039 & 36043 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.Nos.36039 & 36043 of 2025

and

W.M.P.Nos.40283 & 40287 of 2025

M/s.Duinkop Enterprises Private Ltd-Unit-II,
Rep. by its Director M.Jayachandran,
No.88/1, Palladam Pollachi Main Road,
Kattampatti Village,
Kinathukadavu Taluk,
Coimbatore District - 642 202.

.. Petitioner
[in both WPs]

Vs.

1.A.Thiyagaraj,
S/o.K.Arogyasamy,
4/231, Nagarkalaindi Pirivu,
Dasanaicken Palayam Post,
Malaipalayam Village,
Sulur Taluk,
Coimbatore District - 642 202.

2.The Tamil Nadu Pollution Control Board,
Rep. by its Chairman, Corporate Office,
No.76, Mount Road, Guindy,
Chennai - 600 032.



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3.The District Environmental Engineer
Coimbatore-South,
Tamil Nadu Pollution Control Board,
Plot No.E-55A, Kuruchi, SIDCO Industrial Estate,
Pollachi Main Road,
Coimbatore - 641 021.

.. Respondents
[in both WPs]

PRAYER in W.P.No.36039 of 2025: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Certiorari calling for the records of the impugned order dated 29.07.2024 passed in R.A.No.02 of 2024 (SZ) in I.A.No.27 of 2024 (SZ) in Appeal No.21 of 2024 (SZ) on the file of the learned National Green Tribunal, Southern Zone at Chennai and quash the same and consequently dismiss the Appeal No.21 of 2024 (SZ) on the file of the learned National Green Tribunal, Southern Zone at Chennai.

PRAYER in W.P.No.36043 of 2025: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Certiorari calling for the records of the impugned order dated 29.07.2024 passed in R.A.No.04 of 2024 (SZ) in I.A.No.28 of 2024 (SZ) in Appeal No.23 of 2024 (SZ) on the file of the learned National Green Tribunal, Southern Zone at Chennai and quash the same and consequently dismiss the Appeal No.23 of 2024 (SZ) on the file of the learned National Green Tribunal, Southern Zone at Chennai.



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For Petitioner : Mr.S.A.Sayed Shuhaibb
[in both WPs]

For Respondents : Mr.R.Prabakar
[in both WPs] For respondent No.1

Mr.S.Sai Sathya Jith
Standing Counsel
For respondent Nos.2 & 3

COMMON ORDER

(Order of the Court was made by G.Arul Murugan, J.)

Heard Mr.S.A.Sayed Shuhaibb, learned counsel for the petitioner, Mr.R.Prabakar, learned counsel for the first respondent and Mr.S.Sai Sathya Jith, learned Standing Counsel for respondents 2 and 3.

2. Since the common order passed by the National Green Tribunal, Southern Zone, Chennai, in review applications dated 29.07.2024, is challenged in both the writ petitions, these writ petitions are heard and disposed of by a common order.

3. The first respondent had challenged the consent to operate orders dated 19.11.2021 issued in favour of the petitioner, by filing



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appeals before the Tamil Nadu Pollution Control Board / appellate authority and by a common order dated 30.08.2023, the appeals came to be dismissed. Aggrieved, the first respondent filed appeals before the National Green Tribunal, Southern Zone, Chennai, along with applications seeking condonation of delay in filing the appeals. The National Green Tribunal, Southern Zone, Chennai, by a common order dated 19.03.2024, dismissed the interlocutory applications filed for condoning the delay and thereby rejected the appeals. The Tribunal found that the delay cannot be condoned in view of the limitation prescribed under the Act.

4. The first respondent filed review applications on the ground that the appeals had actually been filed within the extended period of limitation. The Tribunal, by a common order dated 29.07.2024, without issuance of any notice to the petitioner, had allowed the review applications and thereby condoned the delay directing to number the appeals.

5. The learned counsel for the petitioner submitted that the orders in the review applications were passed by the Tribunal without



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issuance of any notice to the petitioner and already in the writ petitions filed challenging the very same impugned order, a Coordinate Bench of this Court in the case of **M/s Remmy Substrates India (P) Ltd Vs. A.Thiyagaraj Division Bench [Order dated 25.02.2025 in W.P.Nos.3980, 3983, 3986 & 3989 of 2025]** had allowed the writ petitions and remanded the matters back to the Tribunal. He further submitted that these writ petitions also could be allowed and remanded back to the Tribunal, as the issues could be analogously heard and decided by the Tribunal on merits.

6. The learned counsel for the first respondent and the learned Standing Counsel for the Tamil Nadu Pollution Control Board also submitted that the writ petitions could be disposed of in line with the earlier orders passed by remanding the matters back to the Tribunal.

7. In the writ petitions filed challenging the common impugned orders of the Tribunal in allowing the review petitions, which is also the subject matter of challenge in these writ petitions, the Coordinate Bench of this Court, by order dated 25.02.2025, referred supra, had allowed the writ petitions and remanded the matters back to the



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Tribunal for fresh adjudication by affording opportunity to the parties.

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8. Paragraph No.5 of the said order is extracted hereunder;

"5. In view of the fact that the Tribunal has not granted an opportunity to the writ petitioners, we are inclined to interfere with the order impugned. Accordingly, the impugned common order dated 29.07.2024 passed in the review applications is set aside and the matters are remanded back to the Tribunal for fresh adjudication by affording opportunity to the parties and to pass orders on merits and in accordance with law. It is needless to state that all the related issues also deserve to be considered by the Tribunal on merits. The writ petitions are allowed. Consequently, W.M.P.Nos.4430, 4432, 4433 & 4437 of 2025 are closed. No costs."

9. In view of the above, we are inclined to dispose of the writ petitions in line with the orders passed above.

10. Accordingly, these writ petitions are allowed and the impugned orders in these writ petitions are set aside and the matters



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are remanded back to the Tribunal for fresh adjudication and passing of orders on merits and in accordance with law after affording an opportunity to the parties. There shall be no order as to costs. Consequently, the interim applications are closed.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
25.10.2025

Index : Yes/No
Neutral Citation : Yes/No

sri

To

- 1.The Registrar,
National Green Tribunal,
Southern Zone, Chennai.
- 2.The Chairman, Corporate Office,
Tamil Nadu Pollution Control Board,
No.76, Mount Road, Guindy,
Chennai - 600 032.
- 3.The District Environmental Engineer
Coimbatore-South,
Tamil Nadu Pollution Control Board,
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