

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Wednesday, the Thirty First day of March Two Thousand Twenty One

PRESENT

THE HON'BLE MR JUSTICE SANJIB BANERJEE, THE CHIEF JUSTICE

AND

THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

WP.NOS.27356 & 28475 OF 2019

MR.S.MURALIDHARAN [PETITIONER IN WP.NO.27356 OF 2019]

T.M.S.RAJENDRAN [PETITIONER IN WP.NO.28475 OF 2019]

Vs

1 PRINCIPAL CHIEF CONSERVATOR [RESPONDENTS IN
OF FORESTS AND CHIEF WILDLIFE WARDEN, WP.NO.27356 OF 2019]
DEPARTMENT OF FORESTS, GOVT.OF TAMIL NADU,
NO.1 JEENIS ROAD, PANAGAL BUILDINGS,
SAIDAPET, CHENNAI-600 015

2 STATE OF TAMIL NADU
REP.BY ITS CHIEF SECRETARY,
FORT ST.GEORGE,
CHENNAI- 600 009

3 DISTRICT COLLECTOR
COIMBATORE DISTRICT, GOPALPURAM,
COIMBATORE-6410108

4 PRINCIPAL SECRETARY / CHAIRMAN,
TAMIL NADU POLLUTION CONTROL BOARD,
NO.76, MOUNT SALAI, GUINDY, CHENNAI- 600 032

5 THE COMMISSIONER
DEPARTMENT OF GEOLOGY AND MINING
THIRU.VI.KA.INDUSTRIAL ESTATE, ALANDUR ROAD,
GUINDY, CHENNAI-600 002

6 GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE,
INDIRA PARYAVARAN BHAVAN,
JORBAGH ROAD, NEW DELHI-110 003

1 THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF GEOLOGY AND MINING,
SECRETARIAT, CHENNAI 9

[RESPONDENTS IN
WP.NO.28475 OF 2019]

2 THE PRINCIPAL SECRETARY TO GOVERNMENT,
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT,
SECRETARIAT, CHENNAI 9

3 DIRECTOR OF GEOLOGY AND MINING,
THIRUVEEKAA INDUSTRIAL ESTATE,
GUINDY, CHENNAI 32

4 THE DIRECTOR,
DIRECTORATE OF TOWN AND COUNTRY PLANNING,
CHEGALVARAYAN BUILDING, 4TH FLOOR,
NO. 807, ANNA SALAI, CHENNAI 2

5 THE CHAIRMAN/ PRINCIPAL SECRETARY,
TAMIL NADU POLLUTION CONTROL BOARD,
NO. 76, ANNA SALAI, GUINDY INDUSTRIAL ESTATE,
GUINDY, CHENNAI 32

6 THE CHAIRMAN AND MANAGING DIRECTOR,
TAMIL NADU GENERATION AND DISTRIBUTION CORPORATION LTD.,
(TANGEDCO), NO. 144, ANNA SALAI, CHENNAI 2

7 DEPUTY DIRECTOR OF TOWN AND COUNTRY PLANNING,
COIMBATORE REGION, DR.NANJAPPA ROAD,
CORPORATION SHOPPING COMPLEX, COIMBATORE - 641018

8 THE JOINT DIRECTOR OF GEOLOGY AND MINING,
GEOLOGY AND MINING DEPARTMENT, COIMBATORE

9 THE DISTRICT ENVIRONMENTAL ENGINEER,
TAMIL NADU POLLUTION CONTROL BOARD,
SIDCO INDUSTRIAL ESTATE, POLLACHI MAIN ROAD,
COIMBATORE - 641021

10 THE DISTRICT COLLECTOR,
COIMBATORE DISTRICT, COIMBATORE

11 THE DEPUTY COMMISSIONER OF LABOUR,
COIMBATORE REGION, COIMBATORE

12 THE DEPUTY DIRECTOR OF HEALTH SERVICES,
NO. 268, RACE COURSE SCHEME ROAD,
COIMBATORE - 641018

13 THE SUPERINTENDING ENGINEER,
TANGEDCO, TATABAD, COIMBATORE - 641012

14 COIMBATORE DISTRICT IRULA SAMUGA NALA
SANGAM, REPRESENTED BY ITS PRESIDENT MALLAN
NANJAN S/O. NANJAN, AGED 45 YEARS OLD,
9 / 8, VADAKALLUR ANAIKATTI, 24 VEERAPANDI
ANAIKATTI (NORTH), ANAIKATTI, COIMBATORE 641 108.

15 V.VENUGOPAL

16 RANGANATHAN BALAKRISHNAN

17 THADAGAM S GANESH,

18 MANICKARAJ

19 RANGARAJ CHINNAMA NAIDU,

(R14 TO R19 IMPEADED VIDE ORDER DT 04/12/2020 MADE IN
WMP.18164/2020 IN WP.28475/2019 BY VKJ, MSRJ)

Writ Petitions under Article 226 of the Constitution of India praying that in the circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to issue a WRIT OF MANDAMUS or any other writs or directions, directing the 1st respondent to identify and secure the elephant corridors in Coimbatore forest division with the support of the other respondents (in WP.NO.27356 OF 2019) and

(ii) Directing the respondents herein to take necessary action to close down the illegal brick kilns being operated in all the villages of ChinnaThadagam, Nanjundapuram, Veerapandi, Somayampalayam and Pannimadaipanchayats of Coimbatore District within the time frame stipulated by this Honorable Court (in WP.NO.28475 OF 2019).

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MS.APARAJITHA VISWANATH for MR.SP.CHOCKALINGAM, Advocate for the petitioner in WP.NO.27356 OF 2019 and of MR.E.MANOCHARAN, Special Government Pleader for the 1st to 5th respondents in WP.NO.27356 OF 2019 and of MR.K.SUBBU RANGA BHARATHI, CGC for the 6th respondent in WP.NO.27356 OF 2019 and of MR.T.MOORTHY, Advocate for the petitioner in WP.NO.28475 OF 2019, the court made the following order:-

(Order of the Court was made by the Hon'ble Chief Justice)

The State relies on a bunch of papers to indicate the action taken to stop illegal brick kilns from functioning and to restore the relevant elephant corridor.

2. Copies of such papers have not been furnished even to both sets of writ petitioners. Let the matter stand over for a fortnight for service to be effected.

3. Other parties may obtain copies of such papers from the State on the usual terms. The sixth respondent, Union Ministry of Forest, has used an affidavit. It will be open to other parties to seek copies of such affidavit from learned advocate representing the concerned ministry.

4. The State has submitted that a number of brick kilns have been closed because such units could not show any permission obtained from the District Collector that is mandatory.

5. The owners of several brick kilns are parties to these proceedings. Others, who are not parties to these proceedings, seek to be impleaded. Such owners suggest that the measures taken by the State to close down some of the brick kilns are in colourable exercise of authority and without following the procedure established by law. To the extent that the relevant brick kiln owners have any grievance against the State for the manner adopted in closing down the units, such owners and manufacturers will be entitled to approach the appropriate forum in accordance with law.

6. List the matter on 21.04.2021.

-sd/-
31/03/2021

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

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Order
in

WP.NOS.27356 & 28475 OF 2019

Date :31/03/2021

From 26.2.2001 the Registry is issuing certified
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