

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P. No.16636 of 2016

S.Balaji

.. Petitioner

-vs-

- 1.State of Tamil Nadu,
Rep. By its Secretary,
Department of Law,
Fort St. George, Chennai.
- 2.The Secretary to Government,
Public Works Department,
Fort St. George, Chennai.
- 3.The Registrar (General)
High Court of Judicature at Madras,
Chennai.
- 4.The District Collector,
District Collectorate,
Dharmapuri.
- 5.The Conservator of Forests,
Dharmapuri Circle,
District Collectorate,
Adiyaman Tree Park.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to forbear the respondents from proceeding with the construction of Combined Court Complex in the land in S.Nos.201/1, 266/1 and 268/1 of Tadangam Village, Dharmapuri District and further direct the respondents to ensure the availability of the entire 6.15 acres belonging to the Judicial Dept. in S.Nos.174, 175, 71, 72, 73, 80 and 81 of Vellegoundan Palayam, Dharmapuri Town, so that all the courts could be incorporated in the present complex itself.

For Petitioner : Mr.R.Subramanian
For Respondents : Mr.S.T.S.Murthi,
Govt. Pleader, assisted by
Mr.V.Shanmugasundar, G.A.
For RR 1, 2, 4 and 5
: Mr.B.Vijay for R-3

O R D E R

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

The petitioner, an Advocate in Dharmapuri, seeks to use the excuse of trees being affected to block a Combined Court Building project. On our query, it is conceded that other than this petition, the petitioner has not been active in the field of environment or anything connected therewith. The fact is that when the concerned Committee of the High Court was analysing the project, some objections were received from the advocates of the area as they wanted to continue in the existing building. Their case was that in the existing building as also the adjacent areas, which have been built as commercial areas, should have been made available to the Combined Court Complex to expand it in the same area. However, we are of the view that the clock cannot be put back on this issue.

2.It is trite to say that as the litigation expands, infrastructure is required. Often it is not possible to have an infrastructure in the same place and the Court has to shift out. This is one such case.

3.We may also notice the plea of the learned counsel who states that there will be practically no access to the area, as there is no bus for carrying passengers, at the present stage. On the other hand, the respondents point out that there is proposal for shifting of bus stand. In any case, we cannot put the cart before the horse and as and when the infrastructure would be ready, naturally we would expect full facilities be available for commuting to the place.

4.We may also notice that this petition is predicated on a large number of trees being cut. It is the case of the petitioner that the land which is now being utilised for the Combined Court Building was originally classified as grazing ground poramboke. It is his case that a large number of trees would be uprooted.

5.On the other hand, learned Government Pleader points out that there is no such apprehension, as at present no trees had been uprooted and the proposal is to remove various size of 70

number of trees, for which permission has been sought and corresponding number of trees as per norms would be planted.

6.We may also note that another advocate to block the project has gone to the National Green Tribunal, Southern Zone, questioning the removal of trees alone and seeking to make out a case of being greatly concerned with environmental clearance. On this petition, being Application No.69 of 2016, the Green Tribunal has considered it appropriate to pass an interim order against cutting of trees. Thus, the Green Tribunal is seized of the matter, apart from the fact that cutting of trees can only take place after permission is obtained.

7.We are, thus, of the view that this is not a case for interference under the Public Interest Litigation jurisdiction.

8.Writ petition is dismissed. No costs. Consequently, W.M.P.No.14379 of 2016 is also dismissed.

Sd/-
Assistant Registrar(VI)

//True Copy//

Sub Assistant Registrar

sra
To

- 1.State of Tamil Nadu, Rep. By its Secretary,
Department of Law, Fort St. George, Chennai.
- 2.The Secretary to Government,
Public Works Department,
Fort St. George, Chennai.
- 3.The Registrar (General)
High Court of Judicature at Madras,
Chennai.
- 4.The District Collector,
District Collectorate, Dharmapuri.
- 5.The Conservator of Forests,
Dharmapuri Circle,
District Collectorate,
Adiyaman Tree Park.

+1cc to M/s. R. Subramanian, Advocate, S.R.No.27610
+1cc to the Government Pleader, S.R.No.27798

CA(CO)
EU(06/05/2016)

W.P.No.16636 of 2016