

W.P(MD)Nos.19890 of 2017 & 4533 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

W.P(MD)Nos.19890 of 2017 & 4533 of 2018

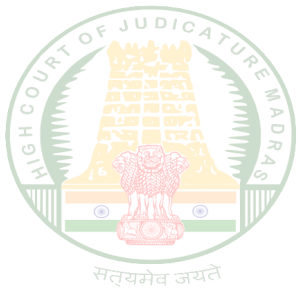
W.P(MD)No.19890 of 2017:

K.K.Ramesh

... Petitioner

VS.

- 1.Union of India,
Represented by its Secretary,
Ministry of Environment and Forests
Parayavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110 003.
- 2.The State of Tamil Nadu
Represented by its Chief Secretary,
Fort St.George,
Secretariat, Chennai.
- 3.The State of Tamil Nadu,
Represented by its Home Secretary,
Fort St.Gorge,
Secretariat, Chennai.
- 4.The State of Tamil Nadu,
Represented by its Principal Secretary,
Health Department,
Secretariat, Chennai - 600 009.



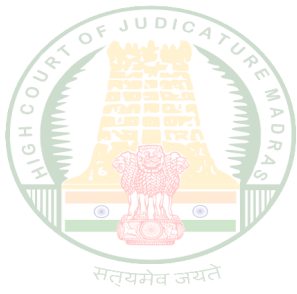
W.P(MD)Nos.19890 of 2017 & 4533 of 2018

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- 5.The State of Tamil Nadu,
Represented by its Transport Secretary,
Fort St.George,
Secretariat,
Chennai.
- 6.The State of Tamil Nadu,
Represented by its Secretary,
Department of Environment and Forests,
Secretariat,
Chennai - 600 009.
- 7.The Chairman,
Tamil Nadu Pollution Control Board,
76, Anna Salai,
Guindy,
Chennai - 600 032.
- 8.The Director General of Police,
Dr.Radhakrishnan Street,
Chennai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent 2 to 8 to set up flying squads in Taluk Level District level state level in Tamil Nadu and impose heavy fine amount and seize those motor vehicles befting out huge black and white Carbon Monoxide from the noxxle, to protect present and future generation health conditions so as to have a clean healthy living and also to protect the earth from various pollutions by considering the representation, dated 20.09.2017.



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W.P(MD)Nos.19890 of 2017 & 4533 of 2018

For Petitioner

: Mr.K.K.Ramesh
Party-in-Person

For Respondents

: Mr.K.Asok Kumar Ram
for R.1

: Mr.P.Thilak Kumar
Government Pleader
for R.2 to R.6

: Ms.Vijayakumari Natarajan
for R.7

: Mr.S.S.Madhavan
Government Advocate (Crl. Side)
for R.8

W.P(MD)No.4533 of 2018:

V.R.Vickram

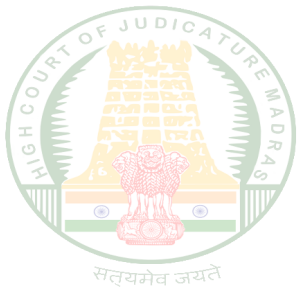
... Petitioner

vs.

1.The Managing Director,
TNSTC Madurai Limited,
Bye-Pass Road,
Madurai.

2.The General Manager,
TNSTC Madurai Limited,
Bye-Pass Road,
Madurai.

... Respondents



W.P(MD)Nos.19890 of 2017 & 4533 of 2018

WEB COPY **PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to ensure proper maintenance to the engines of Government buses in Madurai City to prevent the excess usage of fuel (diesel) and the emission of unwanted gases and particulate matters (unburned fuel carbons) from the exhaust which is harmful in its nature to the public by considering the petitioner's representations dated 13.01.2018 and 24.01.2018 within the period that may be stipulated by this Court.

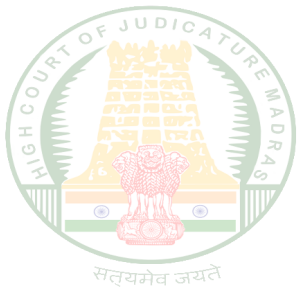
For Petitioner : Mr.V.Vishnu

For Respondents : Mr.S.C.Herold Singh

COMMON ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

These Writ Petitions have been filed with the respective prayers under which the respective writ petitioners have expressed their concern about the unbridled emission of Carbon Monoxide being released by the Transport vehicles owned by the Tamil Nadu State Transport Corporations at various places, which would cause health hazard to several lakhs of people every day.

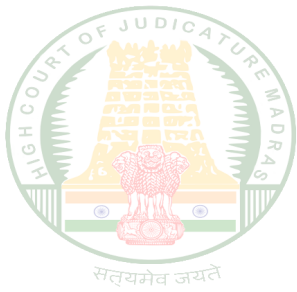


W.P(MD)Nos.19890 of 2017 & 4533 of 2018

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2.In this context, in the first Writ Petition ie., W.P(MD)No.19890 of 2017, the petitioner had given a detailed representation on 29.12.2017 to the respondents and in the second Writ Petition ie., W.P(MD)No.4533 of 2018, the writ petitioner had given two representations ie., on 13.01.2018 and 24.01.2018. Despite these representations have been made, no action seems to have been taken according to the petitioners, as still many vehicles owned by the Transport Corporation of the State are being plied with creating so much emission of Carbon Monoxide with the result it causes health hazards to the people moving in the roads.

3.Heard Mr.K.Asok Kumar Ram, learned counsel appearing for the first respondent, Mr.P.Thilak Kumar, learned Government Pleader appearing for the respondents 2 to 6, Ms.Vijayakumari Natarajan, learned counsel appearing for the seventh respondent, Mr.S.S.Madhavan, learned Government Advocate (Criminal Side) appearing for the eighth respondent and Mr.S.C.Herold Singh, learned Standing Counsel appearing for the TNSTC, Madurai Limited, who are all the respondents in these two Writ Petitions.

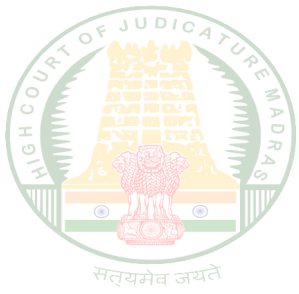


W.P(MD)Nos.19890 of 2017 & 4533 of 2018

WEB COPY

4. Though the Transport Commissioner, Chennai, has filed a status report, dated 06th March 2024 as to what steps had been taken to control this air pollution being created from the vehicles owned by the State Transport Corporations, we feel that a complete review to be taken by the Management of the respective Transport Corporations and atleast in a phased manner, the existing old vehicles can be replaced by new vehicles especially the Eco-friendly vehicles like battery run vehicles and that kind of measures can be taken in a phased manner depending upon the financial status of those Transport Corporations. In this regard, the representation respectively given by these petitioners to the respondents, as has been stated above, can be disposed of and a detailed reply to that effect as to what action they have taken or proposed to take in this regard can be communicated to the petitioners.

5. The aforesaid exercise shall be undertaken by giving a reply to the said representations of the petitioners within a period of eight weeks from the date of receipt of a copy of this order and such reply, after considering the respective representation be given by the respondents.



W.P(MD)Nos.19890 of 2017 & 4533 of 2018

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6.With these directions, both the Writ Petitions are disposed of.

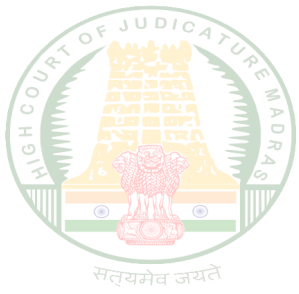
No costs. Consequently, connected Miscellaneous Petition is closed.

[R.S.K.,J.] [G.A.M.,J.]
22.04.2024

NCC : Yes / No
Index : Yes / No
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To

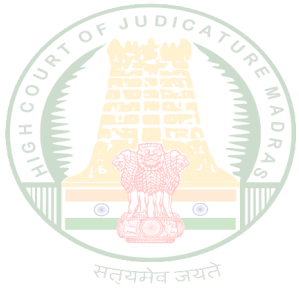
- 1.The Secretary,
Represented by Union of India,
Ministry of Environment and Forests
Parayavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110 003.
- 2.The Chief Secretary,
Represented by State of Tamil Nadu,
Fort St.George,
Secretariat, Chennai.
- 3.The Home Secretary,
Represented by the State of Tamil Nadu,
Fort St.Gorge,
Secretariat, Chennai.



W.P(MD)Nos.19890 of 2017 & 4533 of 2018

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- 4.The Principal Secretary,
Represented by the State of Tamil Nadu,
Health Department,
Secretariat, Chennai - 600 009.
- 5.The Transport Secretary,
Represented by the State of Tamil Nadu,
Fort St.George,
Secretariat,
Chennai.
- 6.The Secretary,
Represented by the State of Tamil Nadu,
Department of Environment and Forests,
Secretariat,
Chennai - 600 009.
- 7.The Chairman,
Tamil Nadu Pollution Control Board,
76, Anna Salai,
Guindy,
Chennai - 600 032.
- 8.The Director General of Police,
Dr.Radhakrishnan Street,
Chennai.
- 9.The Managing Director,
TNSTC Madurai Limited,
Bye-Pass Road,
Madurai.
- 10.The General Manager,
TNSTC Madurai Limited,
Bye-Pass Road,
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W.P(MD)Nos.19890 of 2017 & 4533 of 2018

R.SURESH KUMAR,J.
and
G.ARUL MURUGAN,J.

ps

ORDER MADE IN
W.P(MD)Nos.19890 of 2017 & 4533 of 2018

DATED : 22.04.2024