

Supreme Court of India

Sugarcane G & S Sugars ... vs T.N. Pollution Control Board And ... on 15 January, 1998

Equivalent citations: AIR 1998 SC 2614, JT 1998 (2) SC 671, 1998 (1) UJ 705 SC

Bench: M Punchhi, B Kirpal, V Khare

ORDER

1. Having heard learned counsel for the parties, we are satisfied that the matter is one of public interest which does require an in-depth examination by the Court to consider the kind of order which would be appropriate to make in this case. We are satisfied that the High Court failed to appreciate the true significance of the matter and it was in error in disposing of the writ petition merely on the consent of the Tamil Nadu Pollution Control Board. Prima facie, it appears to us that such matters cannot be decided merely on consent because it affects the interest of public at large and disposal of the matter merely on the consent of the Pollution Control Board may also not be appropriate. For the Pollution Control Board to give such consent particularly on the basis of certain conditions to be fulfilled later does appear to us to be incongruous. The High Court's order will, therefore, have to be set aside. The question now is the kind of order which needs to be made by us. Shri Nariman, learned senior counsel for Respondent No. 6 has, on instructions, placed before us an offer in the form of a fresh undertaking given by Respondent No. 6 to be complied with by Respondent No. 6 along with permission in terms of Clauses (i) to (iv) of Para 10 of the Affidavit dated 12th January, 1998 of Mr. P. Natarajan, according to which the Respondent No. 6 may be permitted to function in the meantime till final adjudication of the matter on merits on the basis of the now existing facts either by this Court or on remand by the High Court. This matter would require consideration after giving some time to the other side to examine the merits of the same.

2. We also consider it appropriate that this matter being one of public interest, it would be more appropriate to appoint an amicus curiae in the case instead of permitting the present petitioner to continue to pursue the matter. It is necessary to ensure greater objectivity in the prosecution of the matter. We request Shri H. N. Salve, learned Senior Advocate, to appear as amicus curiae and also request Shri S. Muralidhar, Advocate, to assist him as an Advocate on record. The cause title of the case should also be amended as under: In re : Bhavani river -- Sakthi Sugars Limited.

3. The matter be now listed for further hearing on 28th January, 1998 before a Bench consisting of Hon'ble Dr. Justice A. S. Anand, Hon'ble Mr. Justice B. N. Kirpal and Hon'ble Mr. Justice V. N. Khare.