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W.P.(MD)NO.22724 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.22724 of 2022 AND
W.M.P.(MD)No.16872 of 2022

1. K.Sakthivel

2. V.Kanthasamy

3. U.Murugesan

4. C.Govindha Raj

5. V.Murugesan

6. A.Arumugam

7. V.Muthuirulan

... Petitioners

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Environment & Forest Department,
Secretariat, St. George Fort,
Chennai.

2. The District Collector,
O/o.District Collectorate,
Ramanathapuram,
Ramanathapuram District.



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3. The District Environmental Engineer,
O/o.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Ramanathapuram,
Ramanathapuram District.

4. The Shrimathi Salt Private Ltd.,
Rep. by its Director Mr.Nagarajan,
Door No.1/14, Perumalpuram,
New Colony, Tuticorin.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to take appropriate action against the fourth respondent viz., Shrimathi Salt Private Ltd., from discharging the salt wastage to the Aanaikudi Kanmai situated at Aanaikudi Village, Tiruppullani Block, Ramanathapuram District and consequentially to direct the respondents to remove the encroachment in the Aanaikudi Kanmai and restore the same to its original position and by considering the petitioner's representation dated 07.07.2022 within the time that may be stipulated by this Court.

For Petitioner : Mr.H.Mohammed Imran
For R-1 & R-2 : Mr.K.Balasubramani,
Special Government Pleader.
For R-3 : Ms.Vijayakumari Natarajan
For R-4 : Mr.Isaac Mohanlal,
Senior Counsel,
for Ms.V.Sujatha

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ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the official respondents and the learned Standing counsel appearing for the third respondent and the learned Senioir counsel assisted by the learned counsel appearing for the fourth respondent.

2. The writ petitioners are villagers of Aanaikudi in Thirupullani Post, Keelakarai Taluk, Ramanathapuram District. This writ petition has been filed for directing the official respondents to take action against the fourth respondent for discharging the salt wastage into Aanaikudi Kanmoi. It is further alleged that the encroachment has been committed in the said water body. After hearing the learned counsel appearing for the writ petitioner, the following order was passed on 20.01.2023:-

“ The petitioners have come forward with this writ petition, praying for issuance of a Writ of Mandamus, directing the respondents to take appropriate action



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against the 4th respondent viz., Shrimathi Salt Private Limited, Tuticorin, for discharging the salt wastage to Aanaikudi Kanmai situated at Aanaikudi Village, Tiruppullani Block, Ramanathapuram District and consequently, for a direction to the respondents to remove the encroachment in the Anaikudi Kanmai and to restore the same in its original position, by considering the petitioner's representation dated 07.07.2022, within a time frame.

2. On 09.12.2022, we passed the following order:-

"The learned counsel appearing for the Petitioners submitted that the fourth respondent/company is running the business without obtaining any consent from the third respondent and also discharged the salt wastages into the Aanaikudi Kanmai situated at Aanaikudi Village, Thirupullani Block, Ramanathapuram District.

2.The learned counsel for the third respondent/Pollution Control Board submitted that the fourth respondent/company has not



obtained any consent from the third respondent/Board.

3.This Court, by order, dated 28.09.2022, granted an interim order directing the fourth respondent/company not to discharge any salt wastage into the Aanaikudi Kanmai, as claimed by the Writ Petitioners.

4.According to the fourth respondent/Company, they have not disputed the said fact and further submitted that they are not running the business in question, as of now, in the aforesaid plant, as alleged by the Petitioners.

5.In view of the above, the third respondent/Tamil Nadu Pollution Control Board is directed to visit and inspect the fourth respondent/ company situated in S.No.317 of Aanaikudi Village, Thirupullani Block, Ramanathapuram District, to ascertain as to whether the said fourth respondent/company had discharged the salt wastage into the



Aanaikudi Kanmoi or deposit of salt in the said property, on or before 12.12.2022 and file a report before this Court on or before 14.12.2022.

6. Post the matter on 14.12.2022, for filing such report by the third respondent/Pollution Control Board, along with W.P(MD)No.23301 of 2022."

3. Pursuant to the aforesaid order, the 3rd respondent has filed a counter affidavit. The relevant portions of the same are as follows:-

"3(f) Petitioners were contacted during inspection. It was reported that the runoff from the unit during rainy season could pollute the adjacent Anaikudi kanmai and agricultural lands. The villagers had apprehension that due to discharge of the runoff outside the Salt Pans during heavy rain could pollute the adjacent Anaikudi kanmai and agricultural lands.

(i) During inspection it was confirmed that the salt pan area is completely inside the



Kanmai. In view of the above a letter has been addressed to the unit instructing to stop establishing / operations till adequate measures are made to avoid the run-off from salt pans to nearby lands/kanmai.

6. As per the process the saline water will get concentrated from Solar heat, and the unit will keep pumping saline water from bore wells till the concentration of the saline water reaches to high level and then the salt formation occur. Then they will remove the salt as product, then the reject water from salt pans called bittern will be sent outside the premises normally through backwater channels. There is no backwater channel available adjacent to the unit, if this bittern water or even high saline water reaches the kanmai, the kanmai water become unusable for domestic consumption including bathing and agricultural purpose."

4. The relevant portion of the order dated 12.12.2022 of the Tamilnadu Pollution Control Board



directing the 4th respondent to stop further

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"... Based on the complaint made by the people of Anaikudi Village, Keelakarai Taluk, Ramanathapuram District against the unit of M/s.Shri Mathi Salt Private Limited, Kalari Village, Keelakarai Taluk, Ramanathapuram District, inspection was carried out on 14.09.2022 and 14.10.2022. During inspection it was ascertained that the salt pan development work is being carried out. The unit had started its operation and pumped saline water in developed salt pan without providing proper backwater channel for drainage of run-off in case of heavy rain which could in turn lead to the pollution of the adjacent Anaikudi kanmai and agricultural land.

In view of the above you are instructed to stop further developments/operations until adequate measures is made to avoid the run-off from the Salt Pans to nearby lands/kanmai and



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outcome of the court case.

The action taken in this regard shall be intimated to this office with in a week. ..."

5. Thus, it is clear that the 4 th respondent's salt manufacturing unit has not obtained any permission from the Tamilnadu Pollution Control Board. Therefore, we are inclined to grant interim injunction. Accordingly, there shall be an order of interim injunction restraining the 4 th respondent from running the salt manufacturing unit and discharging salt wastage from Shrimathi Salt Private Limited in Survey No.317 of Aanikudi Village, Tiruppullani Block, Ramanathapuram District, pending disposal of this writ petition.

6. Learned counsel for the petitioner submitted that the though the Tamilnadu Pollution Control Board has passed an order directing the 4 th respondent to stop running of the salt manufacturing unit pointing out certain defects as found in the inspection, despite the same, the 4 th respondent is running the unit. However, the said fact is disputed by the learned



counsel for the 4th respondent.

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7. Therefore, we appoint Mr.Vasanth, 99 Law Chambers, Cell No.96292 53077, as Advocate Commissioner. After serving notice to both the parties, the Advocate Commissioner is directed to inspect the 4th respondent's salt manufacturing unit and find out whether as on date, the said salt manufacturing unit is running and whether there is any discharge of salt wastage water from the said unit into Anaikudi kanmai and file a report before this Court on or before 31.01.2023. Initial remuneration of the advocate commissioner is fixed at Rs.30,000/- which shall be paid by the petitioner to the advocate commissioner forthwith. Registry is directed to issue a warrant to the Advocate Commissioner forthwith.

8. Post the writ petition on 31.01.2023."

3. Shri.Vasanth, Advocate was appointed as Advocate Commissioner. The Advocate Commissioner has filed report. He categorically states that the industrial unit of the fourth respondent is not functioning.



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4. The learned Senior counsel appearing for the fourth respondent states that without getting proper clearance and approval from the concerned authorities including the third respondent Board, the industrial unit will not be re-started. Even though the fourth respondent is having salt pans spread over 140 acres out of 560 acres, salt harvesting will not be done without getting clearance for their industrial unit. As and when the Pollution Control Unit and other authorities consider the request of the fourth respondent for restarting their unit, appropriate measures will be put in place to ensure that the water bodies located in the village are not in any way affected or injured by the salt pan activities.

5. It is open to the fourth respondent to carry out renovation works in the meanwhile. Since the salt pan is spread over the very large extent of land, the fourth respondent is bound to ensure that there is no seepage from the salt pan or discharge from the industrial unit and that the water bodies in the locality are not affected by their activities. This writ petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.



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WEB COPY (G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)

17th October 2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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G.R.SWAMINATHAN, J.

AND

B.PUGALENDHI, J.

PMU

To:

1. The Secretary to Government,
Environment & Forest Department,
Secretariat, St. George Fort,
Chennai.
2. The District Collector,
O/o.District Collectorate,
Ramanathapuram,
Ramanathapuram District.

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