

IN T HE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2015

CORAM :

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

AND

The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.P. No. 1313 of 2011
and M.P.Nos.3 and 4 of 2012

Siva Rathinavel ... Petitioner

-vs-

- 1.The District Collector,
Coimbatore District,
Coimbatore.
 - 2.The Block Development Officer,
Pollachi North Panchayat Union,
Pollachi.
 - 3.The President,
Gollapatti Village Panchayat,
Gollapatti, Pollachi Taluk.
 - 4.V.Devakidevi
 - 5.Tamil Nadu Pollution Control Board,
Guindy, Chennai-32
 - 6.The Executive Engineer (PWD)
PAP Office, Udumalai Road, Pollachi.
(RR 5 and 6 impleaded as per order
dt.09.04.2012 in MP.2/2012)
- ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records from the 2nd respondent in Proceedings Na.KaNo.2702/09/Aa2 dated 19.01.2010 and examine the same and quash the same as illegal and direct respondents 2 and 3 not to approve or sanction or permit the 4th respondent's application for construction or functioning of a

mineral water plant in Survey No.216/3C in Gollappatti Kazhiapuram Village, Pollachi Taluk.

For Petitioner : Mr.G.T.Subramanian
For Respondents : Mr.V.R.Kamalanathan,
Addl.G.P. for RR 1 to 3 and 6
: Mr.G.Sankaraan for R-4
: M/s.Rita Chandrasekar for R-5

* * * * *

O R D E R

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

The writ petition styled as a Public Interest Litigation was filed by the petitioner seeking restraint against any endeavour of the fourth respondent for construction of a mineral water plant in the land at Survey No.216/3C in Gollapatti Kazhiapuram Village, Pollachi Taluk. An interim order was also granted in favour of the petitioner on 22.01.2011.

2.The respondents filed a vacate stay petition, but vide order dated 08.02.2012 it was observed that the petition itself may be finally heard and directed the impleadment of the Tamil Nadu Pollution Control Board.

3.The learned counsel for the petitioner states that nothing substantive survives as the water source itself has dried up. Learned counsel for the fourth respondent disputes the position and states that the petitioner, for inimical reasons, has been able to prevent the fourth respondent from starting the project. He further states that all permissions have been obtained.

4.We, thus, consider it appropriate to dispose of the writ petition in the following terms:

1. The Tamil Nadu Pollution Control Board / 5th respondent will carry out an inspection of the unit of the 4th respondent to verify whether all necessary permissions have been obtained or not;
2. The 4th respondent can start the unit only after obtaining all requisite permissions and not in the absence of the same.

5.Writ Petition, accordingly, stands disposed of. No costs.
Consequently, M.P.Nos.3 and 4 of 2012 stand closed.

-s/d-

Assistant Registrar (CSIII)

dt:29/09/2015

True Copy

Sub-Assistant Registrar

sra

To

- 1.The District Collector,
Coimbatore District,
Coimbatore.
- 2.The Block Development Officer,
Pollachi North Panchayat Union,
Pollachi.
- 3.The President,
Gollapatti Village Panchayat,
Gollapatti, Pollachi Taluk.
- 4.Tamil Nadu Pollution Control Board,
Guindy, Chennai.
- 5.The Executive Engineer (PWD)
PAP Office, Udumalai Road, Pollachi.

+1 cc to M/S.Rita Chandrasekaran, Advocate sr.51302

+1 cc to the Government Pleader sr.50788

+1 cc to Mr.G.Sankaran Advocate sr.50954

W.P.No.1313 of 2011

aa1/10/2015