

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 17.04.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.11135 of 2015

K.Sasi Kumar

.. Petitioner

Versus

1. The District Collector,
Collectorate Office,
Coimbatore 641 018.
2. The Commissioner,
Coimbatore City Municipal
Corporation South, Coimbatore 641 018.
3. The Tamil Nadu Pollution Control Board,
No.42-D, S.N.R. College Road,
Coimbatore South, Coimbatore - 4.
4. The Assistant Engineer,
The Tamil Nadu Electricity Board,
Kurichi, Coimbatore.
5. M/s. Udhyam Engineering,
S.F.No.21/1, Site No.40, 52/1,
Near Railway Gate, Madukkarai Road,
Coimbatore South, Coimbatore 641 021.
6. M/s.Sri Masaani Industries,
S.F.No.21/1, Site No.40, 52/1,
Near Railway Gate, Madukkarai Road,
Coimbatore South, Coimbatore 641 021. .. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, seeking issuance of a writ of mandamus to direct the second respondent to implement the order passed in proceedings Va.Mayor.Manu No.3949/2015/M.E.2, dated 09.01.2015 re-locating the industries of the fifth and sixth respondents.

For Petitioner : Mr.C.Anandaramani

For Respondents : Mr.V.Subbiah,
Spl. Government Pleader for R1
: Mr.J.Satyanarayana Prasad for R2
Mr.P.Gunaraj, for R3
Ms.Rita Chandrasekaran for R4

O R D E R

By consent, the writ petition itself is taken up for final disposal.

2. The petitioner claims that he is the owner of the super structure constructed on the site No.41 in S.F.No.21/1, Kurichy Village, Coimbatore South Taluk, Coimbatore District. The fifth respondent is the owner of the adjoining land and the sixth respondent has put up Lathe industry and installed heavy machineries in the said site. According to the petitioner, the machineries have been installed without getting clearance or necessary permission from the concerned authorities and on account of the operation of the said machineries, noise pollution exceeding 75 dbs as well as air pollution are being caused. In this regard, a representation came to be submitted to the respondents herein and the Tamil Nadu Pollution Control Board, the third respondent, has also conducted inspection on 11.09.2013 and passed an order directing the fifth respondent to remove the industry to any other industrial area within three months. Since it has not been complied with, once again a representation was sent to the third respondent. The third respondent again directed the 5th and 6th respondents to change their place of business and warned them about the consequence of not complying with the earlier direction. A direction was also issued to the fourth respondent to disconnect the electricity supply vide letter dated 03.08.2014. The third respondent vide letter dated 19.08.2014 also directed the second respondent to take necessary action against the 5th and 6th respondents to stop their industrial business in residential area. The second respondent has also passed a detailed order on 09.01.2015, informing him about the consequences of not obeying the order. The grievance of the petitioner is that in spite of such an order, 5th and 6th respondents are conducting industrial activities and causing noise as well as air pollution and therefore, the petitioner came forward to file this writ petition.

3. Heard the learned counsel appearing for the petitioner, Mr.V.Subbiah, learned Special Government Pleader appearing for the first respondent, Mr.J.Satyanarayana Prasad, learned counsel appearing for the second respondent, Mr.P.Gunaraj, learned counsel appearing for the third respondent and Mr.Rita Chandrasekaran, learned counsel appearing for the fourth respondent.

4. This Court, without going into the merits of the matter, directs the second respondent to implement their own order dated 09.01.2015 in accordance with law by taking necessary steps as expeditiously as possible and not later than four weeks from the date of receipt of a copy of this order and communicate the decision to the petitioner as well as to the persons concerned.

5. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

gpa/vrc

To,

1. The District Collector,
Collectorate Office,
Coimbatore 641 018.
2. The Commissioner,
Coimbatore City Municipal
Corporation South,
Coimbatore 641 018.
3. The Tamil Nadu Pollution Control Board,
No.42-D, S.N.R. College Road,
Coimbatore South, Coimbatore - 4.
4. The Assistant Engineer,
The Tamil Nadu Electricity Board,
Kurichi, Coimbatore.

1 cc to M/s. J. Sathya Narayan Prasad, Advocate, sr. 20932
1 c to M/s. K. Raja Shrinivas, Advocate, Sr. 20969
1 cc to Government Pleader, Sr. 21246

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W.P.No.11135 of 2015

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