

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30-4-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.13520 of 2015

&

M.P.No.1 of 2015

K.Nallasamy

.. Petitioner

vs

1.The District Collector

Erode District

Erode 638 011

2.The Revenue Divisional Officer

Brough Road

Erode 638 001

3.The Commissioner

Erode Municipal Corporation

Erode 638 001

4.The Member Secretary

Erode Local Planning Authority

TNHB Complex

Surampatti Naal Road

Erode 638 009

5.The Executive Engineer

Operation and Maintenance/Urban

Erode Distribution Circle

Tamil Nadu Electricity Board

Erode

6.The Assistant Engineer

Operation and Maintenance/Rural

Veerappanchatiram

Erode Electricity Distribution Circle

Erode

7.V.Vijayalakshmi

8.Ravi @ Gopalakrishnan

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 4 to take action against the respondents 7 and 8 by preventing them from carrying on any industrial activities like power looms in their residential plot bearing D.No.68/69, Mullai Nagar 2nd Street, comprised in S.F.No.248/2A, Peruyasemur Village, Erode Town, Erode District, by disconnecting the E.B. Service Connection given by the respondents 5 and 6 to the proposed power loom unit, by considering the petitioner's representations dated 17.10.2014, 28.10.2014, 11.11.2014, 17.11.2014, 6.12.2014, 22.1.2014 and 28.3.2014.

For Petitioner : Mr.N.Manokaran
For Respondents : Mr.R.A.S.Senthilvel
Additional Government Pleader
for RR1 to 4
Mr.S.K.Raameshwar for RR5 & 6

ORDER

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

2.The petitioner claims to be a resident of Door No.35-B, Kandaiyan Thottam, Periasemur Village, Veerappanchatiram Post, Erode, and his grievance is that the respondents 7 and 8 made attempts to establish a power loom in a residential area without obtaining permission from the respondents 1 to 4, and in this regard, he submitted a representation on 11.11.2014, to the respondents 3 and 4, not to accord permission for starting the power loom unit, and on 1.12.2014, a report was submitted by the District Environmental Engineer, Tamil Nadu Pollution Control Board, to the first respondent stating that the proposed power loom unit would cause serious health hazard to the residents living nearby, and also requested the Tamil Nadu Electricity Board not to grant electricity service connection to the same.

3.The grievance expressed by the petitioner, is that in spite of the above, the respondents 5 and 6 erected electric poles and issued orders to give electricity service connection to the respondents 7 and 8 and in this regard, the petitioner submitted a representation dated 28.3.2014, to the respondents 1 to 4 requesting to take action against the respondents 7 and 8 and since no response is forthcoming, came forward to file this writ petition.

4.Heard the submissions of Mr.N.Manokaran, learned Counsel appearing for the petitioner, Mr.R.A.S.Senthilvel, learned Additional Government Pleader, who accepted notice for the respondents 1 to 4, and Mr.S.A.Raameshwar, learned Standing Counsel, who accepted notice for the respondents 5 and 6.

5.This Court, without going into the merits of the representation, directs the respondents 1 to 3 to consider the petitioner's representation dated 28.3.2014, in accordance with law, after putting on notice, the respondents 7 and 8 and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision to the petitioner as well as to the respondents 7 and 8. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS V)

To:

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5.The Executive Engineer
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Erode Distribution Circle
Tamil Nadu Electricity Board
Erode

6.The Assistant Engineer
Operation and Maintenance/Rural
Veerappanchatiram
Erode Electricity Distribution Circle
Erode

1 cc to Mr.N. Manokaran, Advocate, Sr. 24672

1 cc to Mr.S.K. Raameshuwar, Advocate, Sr. 24898

W.P.No.13520 of 2015

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kk 18/5

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