

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09..03..2015

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
The Honourable Mr.Justice M.M.SUNDRESH

W.P.No.6340 of 2007

M/s.Alagendhraa Dyeing
represented by its Proprietor P.Nachimuthu
carrying on business at Authuvalli Thottam
Sirupuluvapatti Post,
College Road, Tiruppur 641 643,
Coimbatore District.

.. Petitioner

versus

1.Loss of Ecology (P and PC) Authority
for Tamil Nadu,
Chennai 600017.

2.The District Collector
Coimbatore District.

3.The Tahsildar,
Taluk Office, Tiruppur,
Coimbatore District.

4.The Chairman,
Tamil Nadu Pollution Control Board
Annasalai, Guindy, Chennai 600 032.

.. Respondents

Petition filed under Article 226 of the Constitution of India
praying for the issue of a writ of Certiorarified Mandamus, calling
for the records of the 3rd respondent in his reference No.3225/2005/B2
dated 25.03.2005 and reference No.3225/2005/B2 dated 25.03.2005,
quash the same, and consequently direct the respondents to fix the
liability of the petitioner based on the consent order.

For Petitioner ::: Mr.K.Raja
For Respondents ::: Mr. S.T.S.Moorthy,
 Government Pleader for R.2 and R.3
 Ms.Rita Chandrasekaran for R.4
 No appearance for R.1

O R D E R

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

The petitioner is carrying on dyeing business and the consent order shows that the capacity is 12.5 ton per month. The assessment on the basis of polluter pay principle found that the production capacity is 20 tonnes per month and calculations have been made accordingly.

2. The award passed by the Loss of Ecology Authority has not been assailed, but the quantification of the amount is assailed before us on account of the aforesaid reasons.

3. The petitioner obtained interim orders initially and continued to pay the amount in instalments, which has now been paid.

4. We are unable to accept the contention of the learned counsel for the petitioner that the assessment should be based on the consent order when it is found that the actual production is much more and thus the assessment based on the actual production cannot be doubted.

5. There is no justification to exercise Article 226 of the Constitution of India.

6. The writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ksr

Copy To

1.Loss of Ecology (P and PC) Authority
for Tamil Nadu,
Chennai 600017.

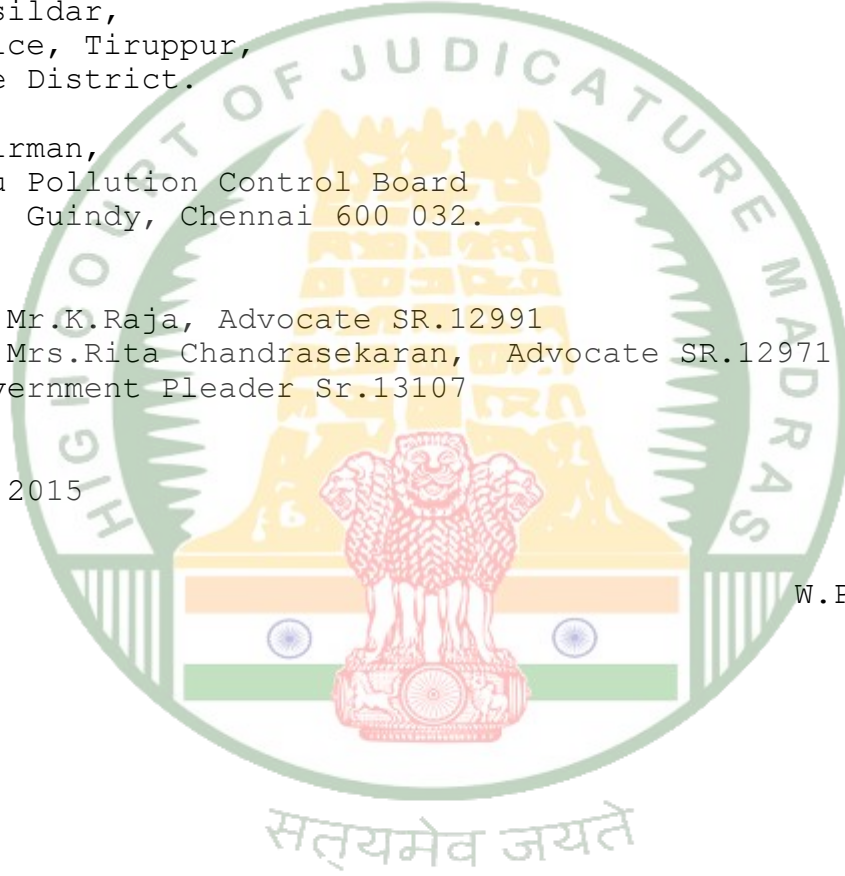
2.The District Collector
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+ 1 cc to Mr.K.Raja, Advocate SR.12991
+ 1 cc to Mrs.Rita Chandrasekaran, Advocate SR.12971
+ 1 cc Government Pleader Sr.13107

KK(CO)
EU 31.03.2015



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