

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.19376 of 2015

C.Aruchamy

... Petitioner

Vs.

- 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.K.Sasikumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue Writ of mandamus to forbear the respondents 1 to 3 from interfering with the petitioner's Lath Workshop in the name of Sri Masaani Industries in S.F.No.21/1, site No.40, 52/1, Near Railway Gate, Madukkarai Road, Coimbatore.

For Petitioner : Mr.S.Vinothkumar
For R1 : Mr.M.Digvijay Pandian, AGP
For R2 : Mr.Satyanarayana Prasad
For R3 : Mr.Yasmin Ali

O R D E R

It appears that action was taken against the petitioner by the second respondent in pursuant to the order passed by the Hon'ble Division Bench of this Court on 11.04.2015, by which, the said respondent was directed to issue further notice. Thereafter, a further notice dated 29.09.2015 was issued after getting the report from the third respondent by the second respondent. Thus, the writ petition is not maintainable.

2. There cannot be a writ of mandamus forbearing the statutory authorities from performing their duties. No doubt, the petitioner can question their decision and thereupon, he can

challenge the said decision by way of preferring appropriate petition. Learned counsel for the petitioner submitted that the petitioner made a representation subsequently on 25.06.2015 and he has also removed some machineries in their industries and therefore, decimal limit is within the permissible parameters of noise levels. However, it is seen that the survey was done by the third respondent on 11.08.2015, which is much after the representation made by the petitioner.

3. Though the petitioner does not have legal right, considering the facts and circumstances of the case, the writ petition stands disposed of by directing the second respondent to look into the representation of the petitioner dated 25.06.2015 and pass appropriate orders on the same within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this order is passed notwithstanding the subsequent decision taken by the second respondent in issuing notice on 29.09.2015 giving seven days time to the petitioner. The petitioner is also directed to give further representation to the said notice within a period of two weeks from the date of receipt of a copy of this order. Till the disposal of the said representation of the petitioner, the second respondent is directed to maintain the status-quo. No Costs. M.P.No.1 of 2015 is closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

1.The District Collector,
Collectorate Office,
Coimbatore - 641 018.

2.The Commissioner,
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Coimbatore - 641 018.

3.The Tamil Nadu Pollution Control Board,
No.42-D, S.N.R.College Road,
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Coimbatore - 4.

+1 cc to Mr.J.Sathya Narayana Prasad, Advocate, sr.55013

+1 cc to Mr.S.Vinoth Kumar, Advocate, sr.5507

+1 cc to Government Pleader, sr.55085

W.P.No.19376 of 2015

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