

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.26382 of 2014
and
M.P.Nos.1 and 2 of 2014

Rep. by its Proprietor
K.Ravichandran
Sakthivel Chemicals
Door No.204/2, Veerakkalputhur Village,
Nehru Nagar, Metturdam

...Petitioner

vs.

1. The Chairman,
Tamilnadu Pollution Control Board,
Poonamallee High Road,
Chennai
2. The District Environmental Engineer,
Tamilnadu Pollution Control Board,
No.1/276, Meiyanoor Main Road,
Salem - 4
3. Parimala Mohan

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a issuance of Writ of Certiorarified Mandamus to call for the records relating to the notice by the 2nd respondent in and by proceedings in Letter No.KO.0160/DEE/TNPSCB/Salem/2014 dated 02.09.2014 and quash the same and consequently direct the respondents from not to interfere with the peaceful possession of the petitioner premises.

For Petitioner : Mr.V.Bharathidasan
For Respondents : Ms.Rita Chandrasekaran
Standing counsel for R1 and R2
Mr.P.Anbarasan for R3

O R D E R

Heard Mr.V.Bharathidasan, learned counsel for the petitioner and Ms.Rita Chandrasekaran, learned standing counsel appearing for first and second respondents and Mr.P.Anbarasan, learned counsel for 3rd respondent.

2. The petitioner has filed this Writ Petition challenging the notice issued by the Tamilnadu pollution Control Board calling upon the petitioner to appear in person on 10.09.2014 and produce documents to show that he is the occupier of the factory and that there is valid consent to operate.

3. According to the petitioner, there is serious civil dispute between the petitioner and the 3rd respondent. Apart from that, there are other suits pending between the parties and as on date, four suits are pending.

4.However, in this Writ Petition, pendency of civil litigation will not have any bearing, since the important issue involved in this Writ Petition is whether the Chemical Industry which is established in the said address is functioning and if it is functioning, whether it has complied with all the requirements under the provisions of the Tamilnadu Pollution Control Act. Further, it is to be ascertained as to whether the Unit had applied for the consent and whether consent was granted. If granted, whether it was valid as on date. If assuming consent granted was valid, further question would be whether Unit is operating in terms of the Orders of consent passed by the Tamilnadu Pollution Control Board. Therefore, it is the fit case where the 2nd respondent should be directed to conduct inspection on the petitioner's Unit, ascertain the full facts and thereafter proceed in accordance with law preferably such inspection shall be a surprise inspection.

5.It is made clear that the power to the Board is to enforce the Pollution Control Laws and the Board cannot direct to handover the Unit to a different person, which is purely a civil dispute.

6.With the above observation and direction, this Writ Petition is disposed of. Consequently connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

ssd

To

1. The Chairman,
Tamilnadu Pollution Control Board,
Poonamallee High Road,
Chennai
 2. The District Environmental Engineer,
Tamilnadu Pollution Control Board,
No.1/276, Meiyanoor Main Road,
Salem - 4
- 1 CC to Mr.V.Bharathidasan, Advocate SR.No. 15428
- 1 CC to Ms.Rita Chandrasekaran, Advocate SR.No. 15361
- 1 CC to Mr.P.Anbarasan, Advocate SR.No. 15256

सत्यमेव जयते

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JSV (CO)
PSI (01.04.2015)

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