

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.11.2015

Coram

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

Writ Petition No.23997 of 2015
and
M.P.No.1 of 2015

S.Varijackson

...Petitioner

Vs.

1. The District Collector,
Erode District, Erode - 638 011.
2. The Executive Officer,
Athani Town Panchayat,
Athani, Erode District.
3. The Assistant Engineer,
Operation and Maintenance/West,
Tamil Nadu Generation and Distribution Corp Ltd.,
Gobi Electricity Distribution Circle,
Athani, Anthiyur Taluk, Erode District.
4. A.K.Subramaniam
5. Pappathi
6. Tamil Nadu Pollution Control Board,
Chennai.

(R-6 suo motu impleaded as per order dated 28.10.2015,
passed by NKKJ in this W.P.)

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents 1 to 3 to prevent the respondents 4 and 5 from establishing and operating the doubling unit or any other industrial activities in S.F.No.442/4, Athani Village, Anthiyur Taluk, Erode District, without the permission or licence under Section 250 of Tamil Nadu District Municipalities Act, 1920 and any other law time being in force by considering the petitioner's representation dated 14.07.2015.

For Petitioner : Mr.N.Manokaran
For Respondent-1 : Mr.R.Rajeswaran
Special Government Pleader
For Respondent-2 : Mr.R.M.Muthukumar
For Respondent-3 : Mr.S.K.Rameshwar
Standing Counsel for TNEB
For Respondents-4 & 5 : Mr.C.Prakasam
For Respondent -6 : Mrs.Rita Chandrasekar

O R D E R

The prayer sought for in the Writ Petition is for issuance of a Writ, in the nature of Mandamus, directing the respondents 1 to 3 to prevent the respondents 4 and 5 from establishing and operating the doubling unit, or any other industrial activities, in S.F.No.442/4, Athani Village, Anthiyur Taluk, Erode District, without the permission or licence under various Statutes.

2. At the time, when the Writ Petition was entertained, i.e., 28.10.2015, this Court, suo motu impleaded the Tamil Nadu Pollution Control Board, Chennai, as sixth respondent. The objections raised are that the fourth and fifth respondents have constructed an Industrial Shop without obtaining approval. The proposed activities are in a primary residential area, and the proposed activities are bound to cause pollution, and without obtaining permission, the building could not have been constructed and without even obtaining the building plan permit, the shop has been completed. Further, the photograph of the building construction has been produced before this Court.

3. Learned counsel appearing for respondents 4 and 5 has submitted that the respondents 4 and 5 will not carry on any activity, which is impermissible under law and the respondents 4 and 5 would submit themselves to the jurisdiction of all the Statutory Authorities, and thereafter, only if permission is granted, they will operate. Further, it is seen that the respondents 4 and 5 have put up the construction without approval. The photograph produced for reference of this Court clearly shows the facade of the building, and it is seen that the Shop is a massive Industrial Shop, fully covered on all four sides. Therefore, the submission made by respondents 4 and 5 that they are controlled by rules and regulations, prima facie, appears to be incorrect. The case of the petitioner, therefore, stands established, and accordingly, the Writ Petition is disposed of, by directing the respondents 1 to 3 to prevent the

respondents 4 and 5 from carrying on any industrial activities in the Shops established by them, unless, all the requisite approvals are obtained from all Statutory Authorities concerned. Till approvals are obtained to the satisfaction of all Authorities, the respondents 4 and 5 should not use the Industrial Shed for any purpose, and the same shall be kept locked, and the second respondent is directed to lock and seal the Industrial shed. No costs. Consequently, connected Miscellaneous Petition is closed.

sd

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
Erode District, Erode - 638 011.
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Tamil Nadu Generation and Distribution Corp Ltd.,
Gobi Electricity Distribution Circle,
Athani, Anthiyur Taluk, Erode District.
4. Tamil Nadu Pollution Control Board,
Chennai.

+ 1 cc to M/s.N.Manokaran, Advocate SR 61651

+ 1 cc to M/s.C.Prakasam, Advocate SR 61808

+ 1 cc to M/s.Rita Chandrasekar, Advocate SR 61853

+ 1 cc to Govt.Pleader, High Court, Madras SR 61990

rsk(co)
prk20/11

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