

In the High Court of Judicature at Madras

Dated: 11.08.2015

Coram:

The Honourable Mr. SANJAY KISHAN KAUL, Chief Justice
and
The Honourable Mr. Justice T.S.SIVAGNANAM

Writ Petition No.24727 of 2015
and M.P. No.1 of 2015

S. Selva Rajendran
Proprietor of M/s.Gnana Soundari Ice Factory
No.3, T.H.Road, New Washermenpet
Chennai-81. .. Petitioner

vs.

1. Government of India
Rep. by its Secretary to Government
Ministry of Environment and Forest
New Delhi-3.
2. Central Pollution Control Board
Rep. by its Chairman
New Delhi-32.
3. Tamilnadu Pollution Control Board
Rep. by its Chairman
No.76, Mount Salai
Guindy, Chennai-600 032.
4. District Environmental Engineer
Tamilnadu Pollution Control Board
No.950/1, Poonamallee High Road
Arumbakkam, Chennai-106. .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration declaring that (i) S.31-A of the Air (Prevention and Control of Pollution) Act, 1981 is illegal and unenforceable, as the same is in violation of Art.14 and 19(1)(g) of the Constitution of India; and (ii) the proceedings No. TNPCB/LAW/LA1/ F.31381/CHN/Compl/2009/A-1/dated 30.08.2011 on the file of the 3rd respondent herein is arbitrary, illegal and in violation of Art.14 and 19(1)(g) of the Constitution of India and consequently direct the respondents 3 and 4 herein to consider the applications of the petitioner resubmitted on 18.3.2011 for consent to operate the ice manufacturing unit of the petitioner herein accordance with law.

For Petitioner : Mr. V.R. Rajasekaran
For Respondents : Mr. Su. Srinivasan
Assistant Solicitor General for R1
Mr. D.S. Ekambaram
Standing Counsel for R2
Mrs. Rita Chandrasekaran
Standing Counsel for R3 & R4.

O R D E R

(Made by The Hon'ble The Chief Justice)

After making some arguments, learned counsel for the petitioner seeks to withdraw the writ petition.

2. The writ petition is dismissed as withdrawn. No costs. Consequently, M.P. No. 1 of 2015 is also dismissed.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

ATR

Copies to;

1. The Secretary to Government
Government of India
Ministry of Environment and Forest
New Delhi-3.
2. The Chairman
Central Pollution Control Board
New Delhi-32.
3. The Chairman
Tamilnadu Pollution Control Board
No.76, Mount Salai
Guindy, Chennai-600 032.
4. The District Environmental Engineer
Tamilnadu Pollution Control Board
No.950/1, Poonamallee High Road
Arumbakkam, Chennai-106.

1 cc to Mr. V.R. Rajasekaran, Advocate Sr.No.41675

W.P. No. 24727 of 2015

kgk(co)pmk.21.8.2015