

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2015

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.P. No.27600 of 2015
and M.P.No.1 of 2015

S.Sankaran Achari

.. Petitioner

-vs-

1.The Appellate Authority,
Tamilnadu Pollution Control Board,
Krishna Vilas, No.1, Gangadeeswarar
Koil Street, Purasaiwakkam, Chennai.

2.The Tamilnadu Pollution Control Board,
Rep. By its Chairman, 76, Mount Road,
Guindy, Chennai.

3.The District Environmental Engineer,
Tamilnadu Pollution Control Board,
950/1, P.H. Road, Arumbakkam,
Chennai.

4.The Superintending Engineer,
Tamilnadu Electricity Board,
Chennai Electricity Distribution Circle/
South, Anna Main Road, K.K.Nagar,
Chennai.

5.R.KasiRajan

Proprietor, Sri Kumaran Flour Mills,
Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records of the 1st respondent in its order dated 09.01.2015 in Appeal No.3 of 2011 and quash the same and direct the 2nd respondent to close the 5th respondent's Mill namely Sri Kumaran Flour Mills at No.10, Gangai Amman Koil Street, Jaffer Khanpet, Chennai.

For Petitioner : M/s.P.T.Asha
for M/s.Sarvabhauman Associates

For Respondents : M/s.H.Yasmeen Ali
for RR 1 to 3
: Mr.P.R.Dhilip Kumar for R-4
* * * * *

O R D E R

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

The petitioner has approached this Court seeking to assail the order dated 09.01.2015 of the Appellate Authority of the Tamil Nadu Pollution Control Board, as it let time pass and the appeal which is to be entertained by the National Green Tribunal became time barred including the possible extended period. We may also note that if an appeal would have been preferred and dealt with on merits, the appeal therefrom lies only to the Hon'ble Supreme Court, especially in the context of the judgment of the Supreme Court in Union of India and others v. Major General Shri Kant Sharma and another, reported in 2015 (3) SCALE 546, which we have dealt with in the common order dated 07.07.2015 in W.P.No.35098 of 2013, etc. (batch) (between P.Sundarrajan and The Deputy Registrar, National Green Tribunal) and other writ petitions. Thus, the procedure cannot be circumvented taking recourse to Article 226 of the Constitution of India.

2.That apart, even on merits, it shows that the Appellate Authority has dealt with the issue of noise pollution in coming to the conclusion that since it is a mixed land zone both for residential and commercial purposes, the noise level measured would show that it is not more than the prevailing noise level on account of the area itself being a commercial area.

3.In view of both the aforesaid reasons, we are not inclined to entertain the writ petition.

4.Writ Petition, accordingly, stands dismissed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sra

To

- 1.The Appellate Authority,
Tamilnadu Pollution Control Board,
Krishna Vilas, No.1, Gangadeeswarar
Koil Street, Purasaiwakkam, Chennai.
 - 2.The Chairman, Tamilnadu Pollution Control Board,
76, Mount Road, Guindy, Chennai.
 - 3.The District Environmental Engineer,
Tamilnadu Pollution Control Board,
950/1, P.H. Road, Arumbakkam, Chennai.
 - 4.The Superintending Engineer,
Tamilnadu Electricity Board, Chennai Electricity
Distribution Circle/South, Anna Main Road,
K.K.Nagar, Chennai.
- +1 cc to M/S.Sarvabhauman Associates sr.47603
+1 cc to Mr.M.Yasmeen Ali Advocate sr.47931

W.P.No.27600 of 2015

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