

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2015

CORAM

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

AND

The Hon'ble MR.JUSTICE M.M.SUNDRESH

W.P.No.12718 of 2010

M.Gopalsamy

.. Petitioner

-vs-

- 1.The District Collector
Tiruppur District, Tiruppur.
- 2.The Block Development Officer,
Avinashi, Tiruppur District.
- 3.The Executive Officer,
Vettuvapalayam Panchayat,
Avinashi Taluk, Tiruppur District.
- 4.Manimalar Food Products (P) Ltd.,
Rep. by its Managing Director.
- 5.The Chairman,
Tamil Nadu Pollution Control Board,
Chennai.
(R-5 suo motu impleaded as per final
order of Court dated today in WP)

.. Respondents

Petition filed under Section 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents 1 to 3 to take necessary and appropriate action against the 4th respondent to close down the factory run by the 4th respondent as Manimalar Food Products (P) Ltd., at S.F.No.181, Asanallipalayam, Vettuvapalayam Post and Avinashi Taluk, Tiruppur District.

For Petitioner : Mr.D.Gopal

For Respondents : Mr.S.T.S.Moorthy,
Govt. Pleader for RR1 to 3
: Mr.S.Doraisamy for R-4
: Mrs.Rita Chandrasekaran for R-5

O R D E R

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

The Public Interest Litigation is directed against the fourth respondent, M/s.Manimalar Food Products (P) Ltd., which is running an unit to manufacture packaged drinking water on the ground that it is affecting water availability in the area, as there is scarcity and paucity of water.

2.The petitioner has, however, not made the State Pollution Control Board a party and at the oral request, the Tamil Nadu Pollution Control Board is impleaded as 5th respondent. Memo of parties be amended accordingly.

3.Learned counsel appearing for the 5th respondent states that the aforesaid issue is being monitored by the National Green Tribunal in Suo Motu Application No.40 of 2013 and individual exercise has been carried out to verify whether they have obtained 'No Objection Certificate' from the said respondent and licence from the Food, Health and Safety Department. Learned counsel further states that in respect of the 4th respondent, the Tamil Nadu Pollution Control Board had issued proceedings on 20.01.2014 seeking immediate stoppage of the unit.

4.We are, thus, of the view that the only direction to be passed in the present case is for the Tamil Nadu Pollution Control Board to enforce the order of the National Green Tribunal in accordance with law, unless there is a Court interdict qua that order and the larger issue would be monitored by the National Green Tribunal.

5.Writ Petition, accordingly, stands disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

sra

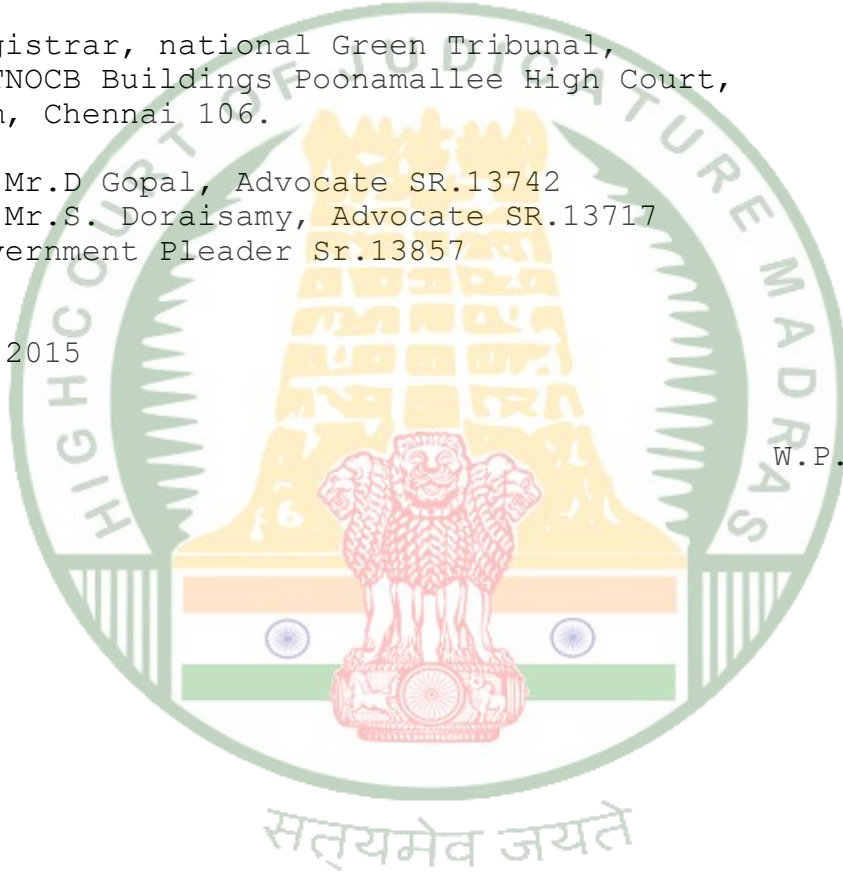
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Avinashi Taluk, Tiruppur District.
- 4.The Chairman,
Tamil Nadu Pollution Control Board,
Chennai.

5. The Registrar, national Green Tribunal,
No.950/1 TNOCB Buildings Poonamallee High Court,
Arumbakkam, Chennai 106.

- + 1 cc to Mr.D Gopal, Advocate SR.13742
- + 1 cc to Mr.S. Doraisamy, Advocate SR.13717
- + 1 cc Government Pleader Sr.13857

GJ(CO)
EU 24 .03.2015

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