

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 15-12-2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WRIT PETITION No.39396 OF 2015

R.Shanmugasundaram

...

Petitioner

-vs-

- 1.The District Collector,
The District Collector Office,
Coimbatore District.
- 2.The Executive Engineer (Environment),
Tamil Nadu Pollution Control Board,
Coimbatore North,
Coimbatore.
- 3.The Assistant Commissioner,
North Zone,
Coimbatore Municipal Corporation,
Coimbatore.

4.N.Kalaiselvan

5.D.Sathishkumar

....

Respondents

Writ Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the third respondent to close or to shift fourth and fifth respondents' scrap industry to some other place.

For petitioner : Mr.M.Easan

For respondent 1 to 3: Mr.R.Sivakumar

ORDER

Heard Mr.M.Easan, learned counsel for the petitioner; and Mr.R.Sivakumar, learned counsel, who accepts notice on behalf of the third respondent Corporation.

2. The petitioner has made certain allegations against respondents 4 and 5, stating, that they are dealing in scrap and it is causing a nuisance and other problems to the people in the locality. In this regard, learned counsel for the petitioner has referred to the proceedings of the second respondent, dated 10.07.2015, wherein the Pollution Control Board requested the third respondent Corporation to initiate action against the persons concerned, under the Public Health Act.

3. From the information furnished under the Right To Information Act, it is seen, that action has already been initiated by the Corporation in the above regard. If that be so, the third respondent Corporation shall proceed further in accordance with law, after complying with the principles of natural justice.

4. Accordingly, this Writ Petition is disposed of, directing the third respondent Corporation to proceed further, with the action already initiated by it, against respondents 4 and 5, after affording a reasonable opportunity, to put forth their case, and pass final orders, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected M.P.No.1 of 2015 is closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

dixit

To

- 1.The District Collector,
The District Collector Office,
Coimbatore District.
- 2.The Executive Engineer (Environment),
Tamil Nadu Pollution Control Board,
Coimbatore North,
Coimbatore.
- 3.The Assistant Commissioner,
North Zone,
Coimbatore Municipal Corporation,
Coimbatore.

- 1 cc to Mr.R.Sivakumar, Advocate, Sr. 67750
1 cc to Government Pleader, Sr. 67595
1 cc to Mr.M. Easan, Advocate, Sr. 67324

W.P.No.39396 OF 2015

CA (CO)

kk 5/1