



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.10.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR
and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.18494 of 2015

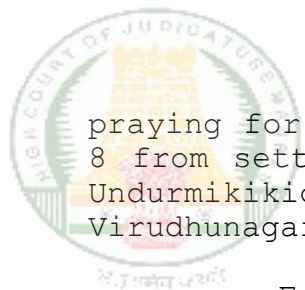
A.Thangapandian

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 3.The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.
- 4.The Tahsildar,
O/o.the Tahsildar,
Thiruchuli,
Virudhunagar District.
- 5.The Panchayat President,
A.Mukkulam Village Panchayat,
Narikudi Union,
Virudhunagar District.
- 6.The Chairman,
Panchayat Union Council,
Narikudi Union,
Virudhunagar District.
- 7.The Inspector of Police,
Narikudi Police Station,
Virudhunagar District.
- 8.Ramki Energy Environmental Limited,
Rep by its Project Head,
T.K.S.Sridhar,
Undurumikikidakulam Village,
A.Mukkulam,
Thiruchuli Taluk,
Virudhunagar District.

... Respondents



praying for issuance of a Writ of Mandamus, forbearing the respondent no. 8 from setting up and operating a Bio-Medical waste Disposal Factory at Undurmikikidakulam Village, A.Mukkulam Panchayat, Thiruchuli Taluk, Virudhunagar District.

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For Petitioner	: Mr.T.Lajapathi Roy
For Respondents 1-4&7	: Mr.N.Manoharan, Special Government Pleader.
For 8 th Respondent	: Mr.N.Dilipkumar

ORDER

(Order of the Court was made by R.SUDHAKAR,J.)

The grievance of the petitioner appears to be that the eighth respondent has put up bio medical waste factory unit which is causing grave environmental problems like air pollution discharge besides depletion of ground water. Therefore, residents of village in and around the place took up the matter with the authorities and complained that bio medical waste including syringes, polythene packets and other wastages being incinerated in the factory is causing breathing problem for the villagers. They alleged that several cattle suffer from the said pollution.

2.The District Collector, Virudhunagar District, the first respondent herein as per Section 203 of the Tamil Nadu Panchayats Act, 1994 passed an order to close down the said factory. Based on the said order, the Executive Officer of the Village Panchayat, communicated the same to the eighth respondent.

3.According to the petitioner, the said proceedings has been challenged by the eighth respondent in W.P.(MD)No.10957 of 2013 and obtained interim order.

4.Be that as it may, further representation has been given by the residents of that village on 08.09.2015 to stall the installation of bio medical waste factory.

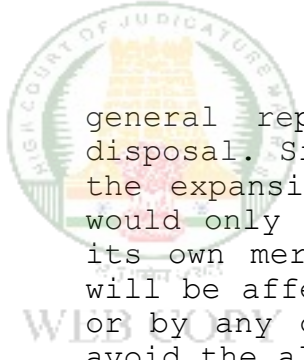
5.Mr.N.Manoharan, learned Special Government Pleader appearing for the respondents 1 to 4 and 7, on instructions, submits that based on the direction issued by the Tamil Nadu Pollution Control Board, bore wells are being put up to assess quality of water and monitor the pollution.

6.Mr.N.Dilipkumar, learned counsel appearing for the 8th respondent submits that it is the unit did suffer the order as referred to above and they have challenged the same before this Court in W.P(MD) No.10957 of 2013. He would further submit that it is a subsidiary of the eighth respondent called Tamil Nadu Waste Management Limited.

7.He therefore dispelled the allegation that the eight respondent is undertaking expansion. However, we record the statement made by Mr.N.Dilipkumar, learned counsel for the eighth respondent that the eighth respondent is not engaged in any form of activities as alleged by the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

8.Be that as it may, the petitioner is not even aware as to who is actual person in charge and affairs of the new unit and has given



general representation about the unit engaged in bio medical waste disposal. Since the eighth respondent states that they are not engaged in the expansion of new unit and that unit is not a party before us, we would only request the District Collector to look into the complaint, on its own merit and in accordance with law. However, if any third party will be affected by the nature of the relief sought for by the petitioner or by any order to be passed, the authority shall hear such person to avoid the allegations of violation of principles of natural justice.

9.The writ petition is disposed of as above. No costs. Consequently, M.P(MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar.

To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

3.The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Aruppukottai,
Virudhunagar District.

4.The Tahsildar,
O/o.the Tahsildar,
Thiruchuli,
Virudhunagar District.

5.The Inspector of Police,
Narikudi Police Station,
Virudhunagar District

+1CC to M/S.T.Lajapathi Roy, Advocate, SR.No. 60519

+1CC to M/S.K.P.Krishnadoss, Advocate, SR.No. 60854

+1CC to The Special Government Pleader SR.No. 60739

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AM/27.10.2015/SK.SKN/3P/9C