

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 26.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.15403 of 2016

K.Kanagaraj

[PETITIONER]

Vs

- 1 The District Environmental Engineer
Tamil Nadu Pollution Control Board
No.41 1st Street, Judges Colony
Periakuppam, Thiruvallur-602 003.
- 2 The Commissioner
Avadi Municipality
Avadi, Chennai-600 054.
- 3 MRL Cover Blocks
Rep. by Proprietor Logesh
No.14 Anna Street
Near St. Peters Engineering College Back Side
Konambedu, Chennai-600 077.

[RESPONDENTS]

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus to direct the second respondent to take appropriate action based on the petitioner's representation dated 12.04.2016 with regard to running of Cover Blocks Tiles manufacturing unit illegally without any approval or license from the competent authority by named M/s.MRL Cover Blocks situated at No.14 Anna Street Near Avadi St.Peters Engineering College Back side Konambedu, Chennai-600 077 and thereby causing serious health implications to residents.

For Petitioner : Mr.S.Silambu Selvan

For Respondents : Mr.R.Rajeswaran -R1 & R2
Special Government Pleader

O R D E R

Heard Mr.S.Silambu Selvan, learned counsel appearing for the petitioner and Mr.R.Rajeswaran, learned Special Government Pleader accepting notice for the respondents 1 & 2 and with the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2.The petitioner claiming themselves to be a Service Centre, doing service for several years in Konambedu Area in Avadi locality, is aggrieved by the Industrial Unit functioning in the residential area, namely the third respondent. The petitioner would state that the third respondent, without obtaining any licence or approval from the competent authority is carrying on industrial activity and manufacturing steel covered block tiles. The petitioner would further state that more than ten persons are employed in the factory and it is causing severe nuisance in the area.

3.The complaint given by the petitioner to the District Environmental Engineer, Tamil Nadu Pollution Control Board, Thiruvallur, was forwarded to the Commissioner of Avadi Municipality, for taking appropriate action under the provisions of the Tamil Nadu District Municipalities Act, 1920 and the Tamil Nadu Public Health Act, 1939. The petitioner would state that till date, the respondent Municipality has not taken any action.

4.Since the Writ Petition is disposed of without notice to the third respondent, no adverse orders can be issued against the third respondent nor any positive direction can be given to the third petitioner. However, since a representation submitted by the petitioner is pending before the second respondent, the second respondent is directed to consider the petitioner's representation dated 12.04.2016, issue notice to the third respondent, conduct inspection of the third respondent's factory and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar(CSVI)

True Copy

Sub-Assistant Registrar

To

- 1 The District Environmental Engineer
Tamil Nadu Pollution Control Board
No.41 1st Street, Judges Colony
Periakuppam, Thiruvallur-602 003.
- 2 The Commissioner
Avadi Municipality
Avadi, Chennai-600 054.

+1 cc to Mr.S.Silambu Selvan Advocate sr.26011

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