

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.14852 of 2013

K.Rasu .. Petitioner

-vs-

1.The Commissioner,
Vellakoil Municipality,
Tiruppur District.

2.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
No.167, Bhavani Road,
Perundurai-638052.

3.The Assistant Executive Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Vellakoil, Tiruppur District.

4.R.Senthil Kumar .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the 1st and 2nd respondent to order closure of the fourth respondent's industry situated at D.No.59, 60, 61, L.K.A. Nagar, Vellakoil, Tiruppur District.

For Petitioner : Mr.P.Kannankumar

For Respondents : Mr.S.T.S.Murthi,
Govt. Pleader for R-1
: Mrs.Rita Chandrasekar for R-2
: Mr.S.K.Raameshwar for R-3
: Mr.Kolandaisamy for R-4

O R D E R

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

The allegation of the petitioner is that the fourth respondent is running an oil industry in a non-permissible area.

2.A counter-affidavit has been filed by the Tamil Nadu Electricity Board / the third respondent stating that the electricity connection was given after obtaining of relevant documents, but on 29.07.2010, the Tamil Nadu Pollution Control Board / the second respondent issued a notice to disconnect the electricity connection, as the consent of the Board had not been granted. The electricity connection was disconnected on 05.08.2010. It was restored for a day at the request of the Pollution Control Board to conduct noise level test. On 18.03.2013, the Pollution Control Board issued a notice to the Electricity Board to restore the power supply and thus, after collecting the arrears amount as per the Electricity Board norms and the Pollution Control Board's consent to operate the unit, the service connection was restored on 15.04.2013.

3.The aforesaid, thus, shows that there is consent which has been granted by the second respondent, after scrutinising the case of the fourth respondent.

4.We may also note that the petitioner and respondent no.4 are in close proximity of the location.

5.In view of the aforesaid position, this writ petition is closed. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

sra

To

1.The Commissioner,
Vellakoil Municipality,
Tiruppur District.

Sub Assistant Registrar

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2.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
No.167, Bhavani Road,
Perundurai-638052.

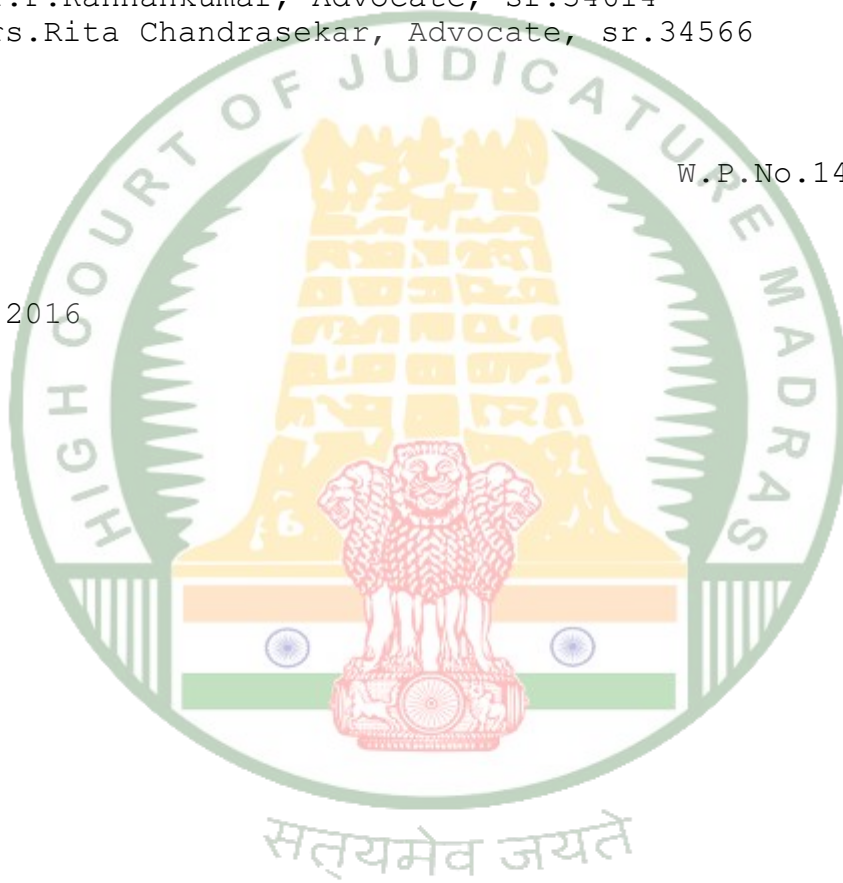
3.The Assistant Executive Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Vellakoil, Tiruppur District.

1 cc to Mr.P.Kannankumar, Advocate, sr.34614

1 cc to Mrs.Rita Chandrasekar, Advocate, sr.34566

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