

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.14792 of 2004

and

W.M.P.No.17546 of 2004

M/s.Nafal Leder Garments (Pvt.) Ltd.,
rep. by its Chairman,
No.21B, Arunachalam Road,
Dasarathapuram,
Chennai-600 093.

.. Petitioner

-vs-

1.M/s.Tamil Nadu Pollution Control Board,
rep. by its Chairman,
Nandanam, Chennai.

2.M/s.Vanitec Ltd.,
(Vaniyambadi Tanners Enviro
Control Systems Ltd.),
rep. by its Chairman,
No.183, Cutcherry Road Extension,
Valayampet, Vaniyambadi,
Pin - 635 751.

3.T.G.Deenadayalan

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari calling for the entire records relating to the notice dated 12.5.2004 on the file of the second respondent and quash the same.

For Petitioner : No appearance

For Respondents : Mrs.Rita Chandrasekar for R1
Mr.V.Raghavachani for R2
No Appearance for R3

* * * * *

O R D E R

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

Heard the learned counsel for parties present.

2. It appears that the petitioner has taken on a lease of tannery from respondent No.3. There are inter se disputes between the landlord and the tenant. Be that as it may, respondent No.3 stopped paying the dues of respondent No.2. M/s.Vanitec Limited is stated to be an independent company floated by the tanneries of the area for the purposes of treatment of affluent and, in turn, are liable for inspection by respondent No.1/Tamil Nadu Pollution Control Board.

3. Since, respondent No.3 stopped paying the dues to respondent No.2, the said respondent threatened to disconnect and not treat the affluent. It is at that stage, the petitioner filed this petition, assailing the notice of demand.

4. An interim order was passed noticing that the share application money for the upgradation project had not been paid and it was open to the petitioner to pay the money to the Director, Pollution Control Board and get the same adjusted. If the amount is not paid, it was open to the Pollution Control Board to take action in accordance with law and till 15.06.2004, status quo was directed to be maintained, and the time for making the payment was extended by the Court from 12.05.2004 to 15.06.2004.

5. No one at present knows as to what is the position qua the petitioner and respondent No.3, as both are unrepresented. The learned counsel appearing for the Tamil Nadu Pollution Control Board also states that at present, he has no instruction as to whether the petitioner did or did not pay any amount to respondent No.3. The learned counsel for respondent No.2 states that certainly, the amount has not been paid to respondent No.2 and also canvassed that the amount had not to be paid to respondent No.3, but to respondent No.2.

6. We are thus of the view that in so far as the tenancy rights are concerned inter se the petitioner and respondent No.3, the first two respondents have nothing to do with that, which can only be the subject matter of appropriate legal proceedings. The amount had to be paid to respondent No.2. If the petitioner has paid or has been paying further amount as due to the Tamil Nadu Pollution Control Board, the same should be transmitted to respondent No.2 within a period of one month from the date of receipt of copy of this order. If not, then in any case, the petitioner is not entitled to any benefit. We may note the object of the Court in passing the interim order till 15.06.2004, while extending the date for payment under notice, was quite clear - if the petitioner wants the tannery to continue to work, it can pay on behalf of respondent No.3. This, in turn, would have require not only the payment of the amount under notice, but any further amount as would be liable to respondent No.2.

7. We, thus, dispose of the writ petition in the aforesaid terms. No costs. The interim order stands vacated and W.M.P.No.17546 of 2004 is closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

1.The Chairman,
Tamil Nadu Pollution Control Board,
Nandanam, Chennai.

2.The Chairman,
M/s.Vanitec Ltd.,
(Vaniyambadi Tanners Enviro
Control Systems Ltd.),
No.183, Cutcherry Road Extension,
Valayampet, Vaniyambadi,
Pin - 635 751.

+1 cc to M/s.V.Raghavachari, advocate,sr.44295

+1 cc to M/s.Rita Chandrasekar, advocate,sr.44313.

mg(co)
krd 24/8

W.P.No.14792 of 2004

सत्यमेव जयते
WEB COPY