



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P(MD) .No.18931 of 2016

Mrs.S.Maheshwari

... Petitioner

Vs

- 1.District Collector,
O/o. The District Collector,
Tirunelveli District.
- 2.The Revenue Divisional Officer,
Tenkasi,
Tirunelveli District.
- 3.The Tahsildar,
Tenkasi,
Tirunelveli District.
- 4.The Chairman,
Tamil Nadu Pollution Control Board,
Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the Respondents to remove the Lock and Seal on the Petitioner's erstwhile Brick Manufacturing Unit situated in S.No.1103, Thiruppanampatty village, Tenkasi Taluk, Tirunelveli District so as to enable the petitioner to dismantle the machines , shed and to take away the materials installed therein within the time period stipulated by this Court.

For petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.V.Muruganandham,

Addl. Govt. Pleader for RR-1 to 3

No appearance for R-4

ORDER

The petitioner has filed this writ petition, seeking a direction, directing the respondents to remove the Lock and Seal on the Petitioner's erstwhile Brick Manufacturing Unit situated in S.No.1103, Thiruppanampatty village, Tenkasi Taluk, Tirunelveli District so as to enable him to dismantle the machines , shed and to take away the materials installed therein within the time period stipulated by this Court.

<https://hcservices.ecourts.gov.in/hcservices/> According to the petitioner, he was running a brick-kiln in Thippanampatty village, Tenkasi Taluk, Tirunelveli District. Alleging that the Industry causing pollution, the fourth



respondent/Chairman, Tamil Nadu Pollution Control Board issued a notice and per the instruction of the fourth respondent, the third respondent/ the Tahsildar locked and sealed the brick-kiln on 11.07.2016. Now, the petitioner decided to close down the brick-kiln unit and wanted to remove the machineries available inside the unit. For that purpose, he approached the respondents 2 and 3. They refused to do the same stating that they have locked and sealed the unit only on the instruction of the Chairman, Tamil Nadu Pollution Control Board. In the above circumstances, the petitioner made a representation on 09.08.2016 to the respondents, seeking permission to open the brick-kiln. Sofar, the said representation has not been considered. In the said circumstances, he has filed the present writ petition seeking permission to remove the lock and seal.

3. Originally, the Chairman, Tamil Nadu Pollution Control Board has not been made as a party in the writ petition. Subsequently, the petitioner filed a petition to implead the Chairman, Tamil Nadu Pollution Control Board. The court notice has already been served on the fourth respondent. Despite the name of the fourth respondent is printed in the cause-list, nobody appeared.

4. Since the petitioner is restricting his prayer to the effect that a direction may be issued to the fourth respondent to consider his representation and pass orders, a direction is issued to the fourth respondent, the Chairman Tamil Nadu Pollution Control Board to consider the petitioner's representation, dated 09.08.2016, and pass orders, after giving opportunity to the petitioner, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

5. Accordingly, the Writ Petition is disposed of. No costs.

Sd/
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar.

To

1. District Collector, O/o. The District Collector, Tirunelveli District.
2. The Revenue Divisional Officer, Tenkasi, Tirunelveli District.
3. The Tahsildar, Tenkasi, Tirunelveli District.

+1CC to M/S.T.Lajapathi Roy, Advocate, SR.No. 68440

W.P(MD).No.18931 of 2016

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