



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 17.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P (MD) No.19736 of 2016

A.THANGARAJ S/O.AYYAVU
NO.4/1455/3 MELACHATHIRAM MAIN ROAD
VALAYAPETTAI PANCHAYAT DHARASURAM POST
KUMBAKONAM TALUK THANJAVUR DISTRICT.

.. Petitioner

Vs.

- 1 THE MEMBER SECRETARY
TAMIL NADU POLLUTION CONTROL BOARD CHENNAI.
- 2 THE DISTRICT COLLECTOR
THANJAVUR DISTRICT THANJAVUR.
- 3 THE TAHSILDAR
KUMBAKONAM THANJAVUR DISTRICT.
- 4 THE COMMISSIONER
KUMBAKONAM MUNICIPALITY THANJAVUR DISTRICT
- 5 THE SUPERINTENDING ENGINEER
(DISTRIBUTION CIRCLE) TANGEDCO THANJAVUR.
- 6 V.MOHANKUMAR
S/O.VISVANATHAN KAMATCHI AMMAN PLASTICS
MELACHATHIRAM MAIN ROAD VALAYAPETTAI
PANCHAYAT DHARASURAM POST KUMBAKONAM TALUK
THANJAVUR DISTRICT.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st to 5th respondents to take necessary action against the 6th respondent illegal plastic unit in the name of Kamatchiamman Plastics in Survey No.197/25 6A1A 197/26 197/8A & 197/9A at Door No.4/1455-2A Valayapettai Panchayat Kumbakonam Taluk Thanjavur District to close the unit permanently.

For Petitioner : Mr.A.Thangaraj
Party in Person

For Respondents : Mr.C.Elaman for R1
Mr.M.Rajarajan for R2&R3
Government Advocate



ORDER

(Order of the Court was made by M.GOVINDARAJ, J.)

The writ petition has been filed for a direction to the respondents 1 to 5 to take necessary action against the 6th respondent illegal plastic unit in the name of Kamatchiamman Plastics in Survey No.197/25, 6A1A, 197/26 197/8A & 197/9A at Door No.4/1455-2A Valayapettai Panchayat, Kumbakonam Taluk, Thanjavur District to close the unit permanently.

2. When the matter was taken up for hearing, it is brought to our notice that the very same petitioner has filed a writ petition in W.P.(MD)No.3919/2015 for the very same relief and this Court, vide order dated 04.04.2016 closed the writ petition. In the said writ petition, this Court observed as follows:

"2.The District Environmental Engineer, Tamil Nadu Pollution Control Board, Thanjavur has filed a counter dated 29.02.2016, wherein, at paragraph Nos.6 and 7, he has stated as follows:

"6. It is respectfully submitted that, the unit was inspected on 18/02/2016, during inspection the unit is in operation without obtaining the building plan approval from Local Planning authority and without the consent of the Board. Hence, inspection report with the recommendation of issue of direction for closure and disconnection of power supply to the unit was sent to the Board vide this office IR No.:F.TNJNA/OS/DEE/TNJ/2016/Dated:18/02/2016.

7. It is respectfully submitted, that, Board has issued direction order for stoppage of Electricity and closure of the industry under section 31A of AIR (Prevention and Control of Pollution) Act, 1981 as amended vide Board's Proc.No. T8/F.MO238 / TNPCB/ OS/ TNJ /EB /2016 Dated: 25/02/2016 and Proc.No. T8/F.MO238/ TNPCB/OS/TNJ/A/2016 Dated: 25/02/2016. Power supply was disconnected to the unit by Assistant Engineer/ (Operation & Maintenance), Town West/TANGEDCO, Kumbakonam, Kumbakonam Taluk, Thanjavur District on 29.02.2016."



3. Now, the petitioner has come up with this present writ petition for the very same relief. Since the relief has already been granted, the writ petition is not maintainable. Accordingly, the writ petition is dismissed and the petitioner is at liberty to work out his remedy in the manner known to law. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(co)

/True copy/

Sub Assistant Registrar

To

- 1 THE MEMBER SECRETARY
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- 2 THE DISTRICT COLLECTOR
THANJAVUR DISTRICT THANJAVUR.
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- 5 THE SUPERINTENDING ENGINEER
(DISTRIBUTION CIRCLE) TANGEDCO THANJAVUR.

+1cc to Mr.A.Thangaraj, Party in person, Sr.NO.60858
+1cc to Mr.M.Rajarajan, Government Advocate SR.No.60864
+1cc to special Government Pleader Sr.No.61121

RR

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ORDER MADE IN
W.P (MD) No.19736 of 2016
17.10.2016