



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 15.12.2016
CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

WEB COPY

W.P (MD) No.24028 of 2016
and
W.M.P (MD) No.17331 of 2016

T.Arumugasamy

..Petitioner

Vs

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Environment Engineer,
District Pollution Control Board,
No.23, Master Plan Area,
Collectorate,
Virudhunagar District.

3.The Panchayat President,
Pallapatti Village Panchayat,
Sivakasi East,
Virudhunagar District.

4.A.Amal Thiagaraj

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the the respondents 1 to 3 to inspect the Plastic Bottle Manufacturing Unit established by the fourth respondent in the residential area I.e., at D.No.6/1258, Indra Nagar, Sivakasi East, Sivakasi Taluk, Virudhunagar District and to take necessary action to shift the same to the industrial area by considering the representation of the Petitioner, dated 1.6.2016.

For Petitioner :M/s.T.Selvam

For Respondents :Mr.A.Muthukaruppan
1 and 2 Addl.Govt.Pleader

ORDER

The Petitioner seeks for a direction to the respondents 1 to 3 to take action against the fourth respondent for running the Plastic Bottle Manufacturing Unit, which according to the Petitioner causes pollution and therefore, it has to be shifted to the industrial area.



2.Mr.A.Muthukaruppan, learned Additional Government Pleader takes notice for the respondents 1 and 2.

3.By consent of both parties, the main Writ Petition is taken up for disposal, at the admission stage itself.

4.Ventilating such grievance, the Petitioner has made a representation on 1.6.2016 preceded by a legal notice issued through his Lawyer, dated 28.4.2016. When those representations are not considered so far, the Petitioner has approached this Court by filing the present Writ Petition.

5.This Court, at this stage, is not inclined to go into the merits of the claim made by the Petitioner, as it is for the respondents 1 to 3 to consider such request and pass orders on the same, on merits and in accordance with law, also by hearing the fourth respondent.

6.Therefore, this Writ Petition is disposed of, only with a direction to the respondents 2 and 3 to consider the representation of the Petitioner, dated 1.6.2016 preceded by a legal notice, dated 28.4.2016 and pass orders on the same on merits and in accordance with law, after hearing the fourth respondent as well. Such exercise shall be done by the respondents 2 and 3 within a period of four weeks from the date of receipt of a copy of this order. If the third respondent Office is vacant, the present official who is in-charge of the third respondent/Panchayat shall exercise the above said action as directed by this Court.

7.With the above direction, the Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Environment Engineer,
District Pollution Control Board,
No.23, Master Plan Area,Collectorate,
Virudhunagar District.



3.The Panchayat President,
Pallapatti Village Panchayat,
Sivakasi East,
Virudhunagar District.

WEB COPY

+1cc to M/s.M.Babysudha Advocate Sr.No.81207

+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO.81405

W.P (MD) No.24028 of 2016

and

W.M.P (MD) No.17331 of 2016

15.12.2016

vsn

rum/ck/04.01.2017/3p/6c