

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.07.2017

Coram

THE HONOURABLE Mr.JUSTICE M.VENUGOPAL
AND
THE HONOURABLE Mr.JUSTICE P.D.AUDIKESSAVALU

W.P.No.13229 of 2006
and
W.M.P.No.14842 of 2006

Thirumoorthy

... Petitioner

Vs.

- 1.The Tamilnadu Pollution Control Board,
rep. By its Member Secretary,
Anna Salai, Chennai - 32
- 2.The District Environmental Engineer,
Tamilnadu Pollution Control Board,
68, Aanoor Amman Complex,
Sathy Road, Erode - 3
- 3.The District Collector, Erode District
Erode - 11
- 4.K.A.Karuppusamy

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents 1 to 3 herein to take action against the 4th Respondent herein for causing Air Pollution in the process of burning of coconut shells in his industry, by exercising the power conferred under Sections 21 and 22 of the Air (Prevention of Control of Pollution) Act, 1981 or under Section 133 of CrI.P.C., or under any other law time being in force.

For Petitioner : Mr.S.Lakshmanasamy

For Respondents : Mrs.RitaChandrasekaran
For R1 and R2
Mr.K.V.Dhanabalan for R3
Special Government Pleader
for R4- No appearance

O R D E R

[Order of the Court was made by M.VENUGOPAL, J.]

Today, when the matter has been listed under the caption 'For Orders', there is no representation on the side of the petitioner through Learned Counsel or In-Person. Further,

yesterday, namely, on 18.07.2017, when the matter came up for hearing, on that day also, there was no representation on the side of the Petitioner either through Learned Counsel or in-Person. However, there was representation on the side of the Respondents 1 and 2 not only on 18.07.2017, but also today, namely, on 19.07.2017 and today, on behalf of the 3rd Respondent, Learned Special Government Pleader appears. In respect of 4th Respondent, notice was not ready and therefore, there is no appearance on the side of 4th Respondent.

2. Inasmuch as the Writ Petitioner in the main Writ Petition seeks relief only against the Respondents 1 to 3, to take necessary action against the 4th Respondent, for causing Air Pollution in the process of burning of coconut shells in his industry, by exercising the power under Sections 21 and 22 of Air (Prevention and Control of Pollution) Act, 1981 or under Section 133 of CrI.P.C., or in other law time being in force, the Learned Standing Counsel for the Respondents 1 and 2 / Pollution Control Board has filed a Memo on 18.07.2017 before this Court in the present Writ Petition inter alia to the effect that on the basis of complaint made, a show cause notice was issued as per proceedings dated 22.09.2006 and pursuant thereto, an inspection was carried out on 29.12.2006 and further, on inspection, it was found that the Unit was operating without following any Air Pollution Control Measures. Apart from that, the Unit had no consent from the Pollution Control Board. Besides the same, by virtue of proceedings dated 25.06.2007, a closure direction was issued to the Unit.

3. This Court, on a mere running of the eye over the contents of Memo filed, is of the considered opinion that the 2nd Respondent had categorically made mention in the Memo dated 18.07.2017 that necessary instructions were obtained from DEE, namely, District Environmental Engineer, Erode District to the effect that the Unit was not in operation for the past 10 years and there is no other activity in the said land.

4. Recording the aforesaid fact, this Court closes the Writ Petition, as nothing survives for adjudication. It is made clear that the Memo filed on behalf of the 2nd Respondent dated 18.07.2017 before this Court shall form part and parcel of the record of the Writ Petition, namely, W.P.No.13229 of 2006. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The Member Secretary,
Tamilnadu Pollution Control Board,
Anna Salai, Chennai - 32
2. The District Environmental Engineer,
Tamilnadu Pollution Control Board,
68, Aanoor Amman Complex,
Sathy Road, Erode - 3
3. The District Collector, Erode District
Erode - 11

+1cc to the Government Pleader, S.R.No.51352

W.P.No.13229 of 2006

and

W.M.P.No.14842 of 2006

CP(CO)
CA(07/08/2017)



WEB COPY