

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2017

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The Honourable Mr. Justice M.M.SUNDRESH

W.P.No.32034 of 2016
and W.M.P.No.27785 of 2017

1.Prof.M.Elumalai
2.E.Jansi Rani
3.E.Manigandan

... Petitioners

versus

- 1.The District Collector,
Office of the District Collector,
Tiruvannamalai Town, Tiruvannamalai District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Tiruvannamalai Town, Tiruvannamalai District.
- 3.The Superintending Engineer of
Tiruvannamalai District (Distribution),
Tamil Nadu Electricity Board
Tiruvannamalai Town, Tiruvannamalai District.
- 4.The Assistant Engineer,
Operation & Maintenance,
Sub-Station, Tamil Nadu Electricity Board,
Thanipadi, Thandrapattu Taluk,
Tiruvannamalai District. Pin - 606 708.
- 5.The Superintendent of Police,
Office of the Superintendent of Police,
Tiruvannamalai Town,
Tiruvannamalai District.

6.The Deputy Superintendent of Police (Rural),
Office of the Deputy Superintendent of Police,
Tiruvannamalai Town, Tiruvannamalai District.

7.The Inspector of Police,
Thanderampattu circle,
Thanderampattu, Tiruvannamalai District.

8.The Sub-Inspector of Police,
Thanipadi Police Station,
Thanipadi, Thandrampattu Taluk,
Tiruvannamalai District. Pin - 606 708.

9.The President / The Executive Authority,
Thanipadi Village Panchayat,
Thandrampattu Taluk,
Tiruvannamalai District, Pin - 606 708.

10.The Block Development Officer
(Village Panchayats),
Thandarampattu Panchayat Union,
Thandarampattu,
Tiruvannamalai District.

11.The Deputy Director of Health Services/
The District Health Officer,
Office of the District Health Officer,
Thiruvannamalai Town, Tiruvannamalai District.

12.M/s.Geetha Flour Mill,
Rep.by its Proprietor V.Murugan,
S/o,K.Vadivel,
Old No.132, New No.812, New Ward No.4,
Manicka Naicker Street,
Thanipadi, Thandrampatty Taluk,
Tiruvannamalai District.
Pin - 606 708.

13.Parvathi

14.Geetha Devi

15.Vigneswaran

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 11 herein to take immediate steps to close down the unauthorized Flour Mill, namely, "Geetha Flour Mill" run by the respondents 12 to 15 herein at Old No.132, New No.812, New Ward No.4, Manicka Naicker Street, Thanipadi, Thandarampattu Taluk, Tiruvannamalai District-606708.

For Petitioner : Mr.N.Jothi
for Mr.M.C.Govindan

For Respondents : Mr.R.A.S.Senthilvel
Addl. Govt. Pleader (For R1, R2, R6, R9 & R11)
M/s.P.Rajalakshmi (For R10)
Mr.R.Karthikeyan (For R12 to R15)
Mr.M.Varunkumar (For R3 & R4)

ORDER

The petitioners and the private respondents are the neighbours apart from being relatives. The grievance of the petitioner is with respect to the running of the flour mill which incidentally crushing chilly powder.

2.The learned senior counsel appearing for the petitioner would submit that under Section 161 of the Tamil Nadu Panchayats Act read with Rules, a license is required. He would also submit that the private respondents are running the flour mill without the said license. He would further submit that the chilly powder is causing health hazards.

3.The learned counsel appearing for the respondents 12 to 15 would submit that it is doubtful that whether such a license is required as the nature of industry being run by the 12th respondent would come under the definition of Small Scale Industries, for which, permission has already been obtained. In any case, the 12th respondent has applied for license before the 9th respondent and the application is still kept pending. Therefore, the license, if any, is deemed to have been granted.

4.There is no dispute that the 12th respondent is crushing chilly powder. A perusal of Section 161 of the Tamil Nadu Panchayats Act, 1994 would show that the license is required. The said provision does not distinguish between the small scale industry as against the larger one. So long as the power is used leading to an industrial activity using the machineries, the application of Section 161 of the Tamil Nadu Panchayats Act, 1994 would certainly come into play. However, taking into consideration of the nature of business which is being carried on in a small place coupled with the further fact that the 12th respondent has already given an application for license, a direction is issued to the first respondent, who is the Inspector of Panchayat to decide the issue of granting license or permission in favour of the 12th respondent after hearing both the petitioners and the 12th respondent as well as the private respondents

within a period of eight weeks from the date of receipt of a copy of this order. This order is passed by taking into consideration of the fact that the enquiry was already initiated as stated by the petitioners. Till such time, Status Quo as on today shall be maintained. Further, in as much as the 12th respondent is carrying on crushing activities of chilly powder, the same shall not be done. It is further ordered that in the event of granting any permission or license by the first respondent, it is well open to him to impose such other condition so as to avoid noise and air pollution.

5. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

22.06.2017

Index: Yes/No
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M.M.SUNDRESH, J.

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