



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASH

W.P.(MD) No.19226 of 2016

P.Ramar

... Petitioner

-vs-

1. THE STATE OF TAMILNADU,
REP. BY ITS SECRETARY,
DEPARTMENT OF HOME, FORT.ST.GEORGE, CHENNAI - 09.
2. THE DISTRICT COLLECTOR
MADURAI DISTRICT, MADURAI.
3. TAMIL NADU POLLUTION CONTROL BOARD,
REP. BY ITS THE DISTRICT ENVIRONMENTAL ENGINEER,
KAPPALLUR, MADURAI- 08.
4. THE DISTRICT FOREST OFFICER,
OFFICE OF THE DISTRICT FOREST OFFICER,
MADURAI DIVISION, MADURAI, MADURAI DISTRICT.
5. THE ASSISTANT EXECUTIVE ENGINEER,
DISTRIBUTION / METRO, TANGEDCO,
MADURAI DISTRICT, MADURAI 625 020.
6. THE COMMISSIONER,
USILAMPATTI PANCHAYAT UNION,
USILAMPATTI, MADURAI DISTRICT.
7. THE SUPERINTENDENT OF POLICE
O/O.THE SUPERINTENDENT OF POLICE,
MADURAI DISTRICT, MADURAI.
8. SOWTHAMANI SAW MILL
THRO ITS PROPRIETOR,
MRS.R.SOWTHAMANI,
238/19, RAILWAY FEEDER ROAD,
SEEMANOOTHU VILLAGE,
USILAMPATTI TALUK, MADURAI DISTRICT.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the Respondents No.2 to take action U/s.133 of Criminal Procedure Code against the Respondent No.8 and Close the Saw Mill namely Sowthamani Saw Mill situated at survey No.238/19 Seemanoothu



Village Usilampatti Taluk Madurai District within time frame stipulated by this Honble Court.

For Petitioner : Mr.T.Lajapathi Roy
For R1 to R7 : Mr.T.S.Mohammed Mohideen,
Addl. Govt. Pleader
For R8 : Mr.PT.S.Narendravasan

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O R D E R

This petition has been filed, seeking to direct the 2nd respondent to take action under Section 133 of Criminal Procedure Code against the 8th respondent and close the Saw Mill, namely, Sowthamani Saw Mill, situated at S.No.238/19, Seemanoothu Village, Usilampatti Taluk, Madurai District.

2. It is seen that the 8th respondent is running a Mill, namely, Sowthamani Saw Mill, which, according to the petitioner, is causing pollution in the area and therefore, the petitioner has filed the present writ petition for a direction to the respondents 1 to 7 to take action under Section 133 of Cr.P.C. for closing down the 8th respondent's Saw Mill.

3. This writ petition appears to be one of Public Interest and therefore, it is not maintainable before this Court. However, it is brought to the notice of this Court that one Tamilselvan had filed a public interest writ petition in W.P.(MD) No.12528 of 2011 for similar reliefs against Sowthamani Saw Mill, in which a Hon'ble Division Bench of this Court had passed the following order:

"2. Heard both sides.

3. At the hearing, Ms.D.Devi Saravana Priya, learned counsel for the eighth respondent states that licence has been granted to the eighth respondent and seeks time to get further instructions from her party.

4. Whereas Mrs.S.Srimathy, learned counsel for the sixth respondent submits that if licence is granted by the competent authorities, namely, respondents 1 and 2, the sixth respondent - Electricity Board will consider the grant of electricity service connection and if not, appropriate action will be taken against the eighth respondent.

5. In view of the above, we find that the sixth respondent - Electricity Board is entitled to verify the allegation made in the complaint of the petitioner and call for particulars from the eighth respondent and satisfy themselves as to the validity of the licence said to be granted by the respondents 1 and 2 and if there is any valid licence, the same shall be dealt with in accordance with



law. It goes without saying that if no licence is granted as stated above, appropriate action can be taken by the sixth respondent - Electricity Board as provided under the law by following the principles of natural justice."

4. In the light of the above, this Court is of the considered opinion that the present writ petition is not maintainable and the same is accordingly dismissed with liberty to the petitioner to work out his remedy before the appropriate forum in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To:

1. THE SECRETARY, STATE OF TAMILNADU, DEPARTMENT OF HOME, FORT.ST.GEORGE, CHENNAI 09.
2. THE DISTRICT COLLECTOR, MADURAI DISTRICT, MADURAI.
3. THE DISTRICT ENVIRONMENTAL ENGINEER , TAMIL NADU POLLUTION CONTROL BOARD, KAPPALLUR, MADURAI 08.
4. THE DISTRICT FOREST OFFICER, OFFICE OF THE DISTRICT FOREST OFFICER, MADURAI DIVISION, MADURAI, MADURAI DISTRICT.
5. THE ASSISTANT EXECUTIVE ENGINEER, DISTRIBUTION / METRO, TANGEDCO, MADURAI DISTRICT, MADURAI 625 020.
6. THE COMMISSIONER, USILAMPATTI PANCHAYAT UNION, USILAMPATTI, MADURAI DISTRICT.
7. THE SUPERINTENDENT OF POLICE O/O.THE SUPERINTENDENT OF POLICE, MADURAI DISTRICT, MADURAI.

+1 cc to M/s.T.Lajapathi Roy, Advocate in SR.No. 12795
+1 cc to M/s.P.T.S.Narendravasan, Advocate in SR.No. 12941
+1 cc to The Special Government Pleader in SR.No. 12866

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CSL/SKN-RSK/09.03.2017 : 3P/11C

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