

IN THE JUDICATE OF MADRAS HIGH COURT

DATE : 16.03.2018

CORAM

THE HON'BLE MR.JUSTICE R.SUBBIAH

and

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No.6026 of 2018
and WMP No.7413 of 2018

Nilgiris Mavatta Anna Viyabarigal Sangam,
Regd No.166/2016
Rep by its President,
N. Sekar,
No.15/30, Sri Ganapathi Illam,
Cornwal Road, Alwarpet,
Coonoor - 643 101
The Nilgiris District

... Petitioner

Vs.

1. The District Collector,
The Nilgiris District at Ooty

2. The Divisional Engineer,
Tamil Nadu Pollution Control Board,
Ooty, The Nilgiris District

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the first respondent to consider and pass orders on merits by disposing the written representation made by the petitioner on 22.01.2018.

For Appellant : Mr.C. Prakasam

For 1st Respondent : Ms.Thanga Vadhana Balakrishnan
AGP

For 2nd respondent : Ms.H. Yasmeen Ali

ORDER

(Order of the Court was made by R. SUBBIAH, J.,)

This Writ Petition has been filed by the Petitioner, praying for a Writ of Mandamus to direct the First Respondent to consider and pass orders on the representation made by the Petitioner on 22.01.2018.

2. By consent of both sides, the main Writ Petition has been taken up for final hearing at the admission stage itself.

3. The case of the Petitioner, who is the Nilgiris Mavatta Anna Viyabarigal Sangam, is that its members are small merchants and running various types of shops in the Nilgiris District like cake shop, hotels and bakery, petty shops, tea shops, tea traders, departmental stores, provision stores etc., and they used to sell the articles by packing materials, by using the polythene bags. While so, the First Respondent released the news item to the media by banning the usage of polythene, non-oven bags and plastics materials in the Nilgiris District, that too, without issuing any separate proceeding and the same has been publicised through media by the First Respondent warning the members of the Petitioner Sangam not to use the polythene, non-oven bags and plastics for their business. Thereafter, the Petitioner approached the First Respondent and requested to lift the ban order on using polythene, non-oven bags and plastics till alternative materials are found. In these circumstances, the Petitioner Sangam have submitted a representation dated 22.01.2018 to the First Respondent, which has not yet been disposed and hence the Petitioner has come forward with the present Writ Petition seeking for the aforesaid relief.

4. When the matter was taken up for consideration, it is represented by the learned counsel for the Petitioner that if a direction is given to the First Respondent to consider the representation of the Petitioner dated 22.01.2018 and pass orders within a stipulated time, it would suffice.

5. Heard the learned Counsel for the Petitioner as well as learned Additional Government Pleader appearing for the First Respondent and perused the materials available on record.

6. Having regard to the submissions made by the learned Counsel on either side and also taking into consideration the limited prayer sought for in the Writ Petition, without expressing any opinion with regard to the merits of the case, we direct the First Respondent to consider the representation of

the Petitioner Sangam dated 22.01.2018 and pass orders on merits and in accordance with law on or before 15.04.2018. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected WMP is closed.

Sd/-
Assistant Registrar(CS IV)

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Sub Assistant Registrar

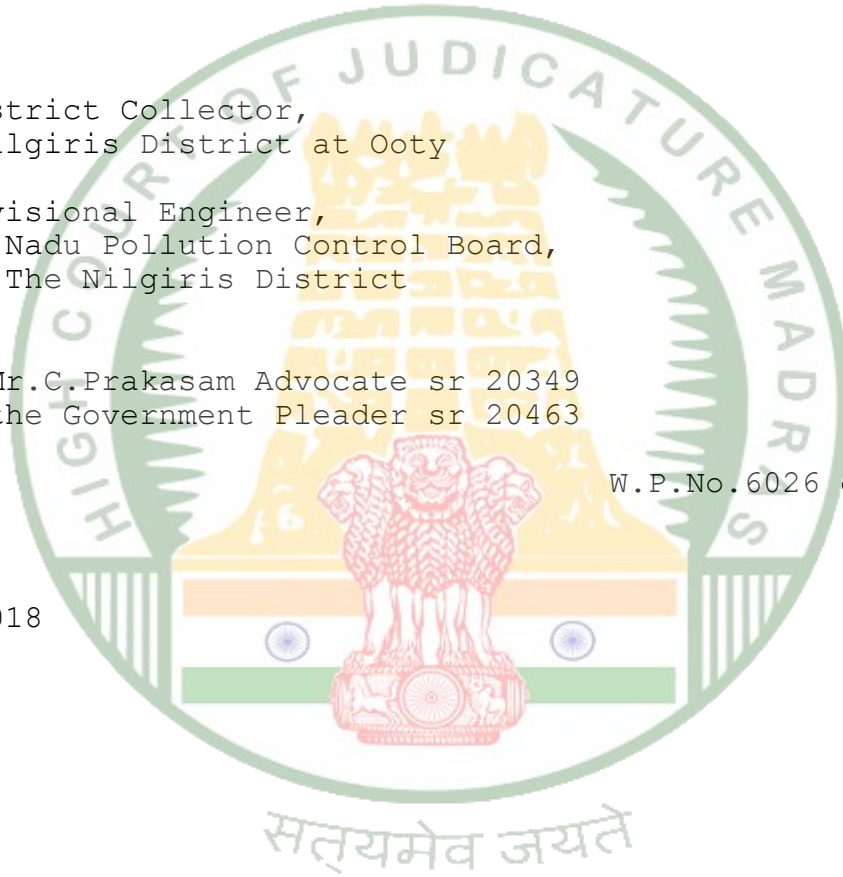
sr
To

1. The District Collector,
The Nilgiris District at Ooty
2. The Divisional Engineer,
Tamil Nadu Pollution Control Board,
Ooty, The Nilgiris District

+1 cc to Mr.C.Prakasam Advocate sr 20349
+1 cc to the Government Pleader sr 20463

W.P.No.6026 of 2018

mp(co)
aa09/04/2018



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