

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14/8/2018

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR  
AND  
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

Writ Petition No.92 of 2018

N.Ganesh

...

Petitioner

Vs

1. The Commissioner  
Avadi Municipality  
NM Road, Avadi  
Chennai 600 054.
2. Chennai Metropolitan Development Authority  
Thalaimuthu Natarajan Building  
Gandhi Irwin Road  
Egmore  
Chennai 600 054.
3. The Chief Inspector of Factories  
Inspector of Factories  
No.5 Chepauk  
Chennai 600 005.
4. The Inspector of Factories  
Thiruvellore District  
Thiruvellore  
Tamil Nadu
5. Good Boxes Pvt Ltd  
Door No.15, 4<sup>th</sup> Avenue,  
A,section,Siva Sakthi Nagar,Avadi Rcc,  
Chennai 600 109.
6. Tamil Nadu Pollution Board  
77 A, South Avenue Road  
SIDCO Industrial Estate  
Ambattur  
Chennai 600 058.

...

Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents 1 to 4 to take steps to shift the fifth respondent Company, which is functioning at Door No.15, 4<sup>th</sup> Avenue, 'A' Sector, Siva Sakthi Nagar, Avadi, RCC, Chennai 600 109, residential area, to any other industrial area.

For petitioner

... Ms.Vaishali  
for Mr.P.Elango

For respondents

... Mr.P.Srinivas  
for R.1.

Mr.S.Thiruvengadam  
for R.2.

Mr.M.Sricharan  
Rangarajan  
for R.R.3 and 4

Mr.T.Brabhu for R.5

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O R D E R

(Order of the Court was made by Subramonium Prasad, J)

Instant writ petition has been filed for a mandamus, directing the respondents 1 to 4, to shift Good Boxes Pvt. Ltd, the fifth respondent Company, which is functioning, at Door No.15, 4<sup>th</sup> Avenue, 'A' Sector, Siva Sakthi Nagar, Avadi, RCC, Chennai 600 109, according to the petitioner, is a manufacturing unit, and located in a residential area.

2. Material on record discloses the following facts:-

Good Boxes Pvt. Ltd, the fifth respondent is manufacturing carton boxes, through manual labour, with the help of small machineries, with a capacity of five horse powers from the unit. Admittedly, on identical allegations, the petitioner had filed W.P.No.6871 of 2013, wherein the allegation was that the unit is causing noise pollution. This Court, vide, order, dated 20/6/2016, passed the following order:-

"In view of the issue raised being one of noise pollution, we implead the State Pollution Control Board as the sixth respondent. Memo of parties be amended accordingly.

2. Mrs.Rita Chandrasekaran accepts notice for the newly impleaded sixth respondent.

3. The Pollution Control Board/sixth respondent to cause an inspection of the premises and to verify whether it meets that the necessary

norms of the maximum noise pollution levels for the residential area. The exercise be undertaken within a month and a copy of the report be sent to the first respondent and the fifth respondent. Depending on the report, necessary action would be required by the first respondent.

4. All papers filed in Court by the petitioner and the respondents be served on the learned counsel for the sixth respondent within two days.

5. The writ petition accordingly stands disposed of, leaving the parties to bear their own costs."

3. In compliance with the order, dated 20/6/2016, passed in W.P.No.6871 of 2013, State Pollution Control Board, inspected the premises and found that the noise decibels are within the levels, as prescribed under the Noise Pollution (Regulation & Control) Rules, 2000. Copy of the Inspection report, reads as under:-

"A copy of the Hon'ble High Court of Madras order dated 20/6/2016 is sent herewith for ready reference. Wherein, the Hon'ble High Court of Madras has disposed of the above writ petition with the direction inter alia as follows:-

The Pollution Control Board/sixth respondent to cause an inspection of the premises and to verify whether it meets that the necessary norms of the maximum noise pollution levels for the residential area. The exercise be undertaken within a month and a copy of the report be sent to the first respondent and the fifth respondent. Depending on the report, necessary action would be required by the first respondent (The Commissioner, Avadi Municipality).

In due compliance of the Hon'ble High Court's direction, the DEE, TNPC Board, Ambattur has conducted the Noise Level Survey through the D.E.L., TNPC Board, Ambattur, after giving Notice of Inspection to the unit of M/s. Good Boxes, Chennai.

It is informed that the DEE, Ambattur has furnished the report of Noise Level Survey conducted at M/s. Good Boxes Pvt. Ltd., D.No.15, 4<sup>th</sup> Avenue, A Sector, Siva Sakthi Nagar, Avadi, RCC, Chennai 600 109 on 9/9/2016.

It is further informed that the standard of the Noise Levels are within the norms as prescribed under the Noise Pollution (Regulation & Control) Rules, 2000. However, the Rule 7 of the Noise Pollution (Regulation & Control) Rules, 2000 provides that - (1) A person may, if the noise level exceeds the ambient noise standards by 10 dB (A) Or more given in the corresponding columns against any area/zone, make a complaint to the authority.

2. The authority shall act on the complaint and take action against the violation in accordance with the provision of these rules and any other law in force.

Hence, as per the Orders of the Hon'ble High Court, the TNPC Board have complied with the order of the Hon'ble High Court accordingly.

Therefore, as per the orders of the Hon'ble High Court, dated 20/6/2016, the Noise Level has been conducted by TNPC Board and the same is sent herewith for necessary compliance."

4. Now, the instant writ petition has, once again been filed, with the very same allegations, of course, by deleting the complaint regarding pollution.

5. Material on record discloses that Municipal Administration and Water Supply Department has issued licence to the fifth respondent. Commissioner, Avadi Municipality, Chennai, the first respondent, has also issued licence, on 2/1/2008, for conducting the above mentioned activity, namely, manufacturing of carton boxes, under Section 249 of the Tamil Nadu Municipalities Act, 1920.

6. Licence reads thus:-

|                            |     |                                      |
|----------------------------|-----|--------------------------------------|
| License No.                | ... | 012/2018/000089                      |
| License Date               | ... | 23-April-2018                        |
| Name of the Licensee       | ... | S.Thulasi Good                       |
| Boxes                      |     |                                      |
| Place of Trade or Business | ... | 15 A Section, 4 <sup>th</sup> Avenue |



Name of Trade

| S. No . | Trade Name                                | Unit Value | Sub Trade                         | Rate   |
|---------|-------------------------------------------|------------|-----------------------------------|--------|
| 1       | Paper or Binding covers storage and sales | 0.00       | Manufactur er of Corrugated boxes | 500.00 |

Name of the Business ... Good Boxes  
Period of License ... From Date 18-April 2018  
To Date 31-Mar-2019  
Payment Receipt No. ... 012/01/17-18/0042340  
Amount paid ... Rs.500.00  
Receipt Date ... 29/JAN/2018

CONDITIONS

1. The licenses shall cause the flooring of the premises to be paved or otherwise rendered impervious and suitably drained and at time be maintained in good order and repair. The premises shall be properly enclosed and provided with suitable gateways and gates.
2. The licences shall cause the premises to be cleaned and prevent any accumulation of fifth or refuse therein.
3. He shall cause every part of the internal surface of the walls and ceiling of every building upon the said premises to be limewashed in the months of January and July, if so directed by the Commissioner.
4. The licences shall provide a sufficient supply of pure and wholesome drinking water.
5. The licenses shall cause such every means of ventilation and light as may be provided in or in connection with the said premises to be maintained at all time in good orders and efficient action.
6. An inspection book should be maintained in the licenced premises the instruction given in the inspection book should be carried out within the time specified therein provide a that such instruction and not in conflict within the provision TNDM Act of 249.
7. In case the business or trade is found to be a nuisance or otherwise objectionable the Commissioner reserves to himself the

right to revoke the licence at any time.

8. Licences issued by the Municipality should be hung up in a prominent place."

7. The petitioner has not furnished any document, to substantiate his allegations that the licence given to the fifth respondent, is not in accordance with law. No material has been produced to show that the unit, should not work from the place, from where it is operating. The other official Respondents, to whom notices are issued, viz., The Commissioner, Avadi Municipality; Chennai Metropolitan Development Authority, Chennai; The Chief Inspector of Factories, Chennai and the Inspector of Factories, Thiruvellore, have entered appearance, through their respective counsel and have stated that there is no objection to the fifth respondent functioning in the premises, and that it is without any valid permission.

8. Good Boxes Pvt. Ltd., the fifth respondent, in his typed set of papers, in fact, has filed a document, which shows that the petitioner is not a resident of Avadi, as claimed by him, but is in fact, a resident of F.2 Anusha Srihari Apartments, No.47/27 Aspiran Garden, First Street, Kilpauk, Chennai.

9. On the other hand, documents furnished by Good Boxes Pvt. Ltd., the fifth respondent shows that he has licence. Report dated 20.06.2016 by the Pollution Control Board has not been questioned.

10. In view of the above, we do not find any merit in the writ petition and accordingly, the same is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS viii)

//True Copy//

Sub Assistant Registrar

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mvs.

To

1. The Commissioner, Avadi Municipality, NM Road, Avadi  
Chennai 600 054.

2. Chennai Metropolitan Development Authority  
Thalaimuthu Natarajan Building, Gandhi Irwin Road  
Egmore, Chennai 600 054.

3. The Chief Inspector of Factories, Inspector of  
Factories

No. 5, Chepauk, Chennai 600 005.

4. The Inspector of Factories, Thiruvellore District  
Thiruvellore, Tamil Nadu
5. Tamil Nadu Pollution Board, 77 A, South Avenue Road  
SIDCO Industrial Estate, Ambattur  
Chennai 600 058.

+1cc to Mr.P.Elango , Advocate SR.No. 56244  
+1 CC TO GOVERNMENT PLEADER SR.NO. 56455

W.P.No.92 of 2018

ASK(07/12/2018)



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