

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.04.2018

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THE HON'BLE MR.JUSTICE R.SUBBIAH

and

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

W.P.No.8209 of 2018

M/s.Prashanth Multi Specialty Hospital,
rep. By the Managing Director
Dr.G.Gopalaswamy,
No.76 & 77, Harrington Road,
Chetpet, Chennai-600 031. ... Petitioner

Vs.

- 1.The Secretary to Government,
Ministry of Environment and Forest,
Secretariate, Chennai-9.
- 2.The Member Secretary,
Tamil Nadu Pollution Control Board,
78, Mount Salai, Guindy,
Chennai-3.
- 3.The District Environmental Engineer,
Poonamalle High Road,
Arumbakkam, Chennai-600 106. ... Respondents

Writ Petition has been filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to dispose of the application dated 13.09.2017 for the renewal of consent to operate under AIR Act.

For Petitioner : Mr.C.Sangamithirai

For Respondents: Mr.R.Balaramesh, Spl GP (Forest) for R1)

M/s.Yosmin Ali, for R2

Mr.S.N.Parthasarathy, GA for R3

ORDER

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

The Writ Petition has been filed by the petitioner praying for issuance of a writ of mandamus directing the respondents to dispose of the petitioner's application dated 13.09.2017 for the renewal of consent to operate under WATER Act to renew for the five years.

2.It is stated that the petitioner-Hospital has applied before the Tamil Nadu Pollution Control Board for renewal of consent to operate under Section 21 of the AIR (Prevention and Control of Pollution) Act, 1981 as amended on 09.12.2013, Renewal of Consent Order No.18864, and proceedings No.TNPCB/BMWM/1109/CHN/RL/W/2013, under Section 21 of Air (Prevention and Control of Pollution) Act, 1974, Proceedings No.TNPCB/BMWM/1109/CHN/RL/A/2010 at S.F.No.357/2, 357/5, 351/1 & 358/1, New T.S.No.357/10, Egmore Village, Egmore - Nungambakkam Taluk, Chennai District. Further, the petitioner has applied vide Proc.No.TNPCB/BMWM/1109/CHN/RL/EXP/W/2010 to the respondent on 20.02.2013 and subsequently also IR No.F.CNH0070/RL/DEE/CHN/2013 on 22.07.2013. The Tamil Nadu Pollution Control Board has granted the consent under Section 25 of the WATER (Prevention and Control of Pollution) Act, 1981 (Central Act, 14 of 1981), authorizing the petitioner-hospital to operate the hospital in the Air Pollution Control Area as notified by the government to continue to make existing discharge of emission from the stacks/chimneys. This consent is valid to the period which ought to be ending on 31st March 2014, which is subject to the provisions of the Acts and the Rules. Subsequently, it was renewed. Thereafter, the petitioner submitted application for further renewal of the consent to operate under WATER Act on 13.09.2017 to the third respondent along with a detailed affidavit and required documents and necessary fee of Rs.3,64,008/- for the period of 2017-2019. But, the 3rd respondent neither passed orders nor disposed of the petitioner's application dated 13.09.2017. Hence, the petitioner has come forward with the present writ petition for the relief as stated supra.

3.Today, when the matter is taken up, the learned counsel for the respondents 2 & 3 have filed a joint counter affidavit, in which they have stated in Para 8 as follows

"The application filed by the petitioner is scrutinized and kept ready to be placed before the Consent Clearance Committee meeting of the Board. It is proposed to have consent clearance committee meeting within a week and the application filed by the petitioner for the issue of consent to operate for expansion will be disposed in the Consent Clearance Committee meeting in accordance with law."

4.In view of the above said statements made in the counter affidavit, this Court directs the respondents to consider the petitioner's application dated 13.09.2017 for renewal of consent, and to pass appropriate orders on or before 31.05.2018 in accordance with law.

With the above directions, the writ petition is disposed of.
No costs.

-s/d-
Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

SSV

To,

1. The Secretary to Government,
Ministry of Environment and Forest,
Secretariate, Chennai-9.

2. The Member Secretary,
Tamil Nadu Pollution Control Board,
78, Mount Salai, Guindy,
Chennai-3.

3. The District Environmental Engineer,
Poonamalle High Road,
Arumbakkam, Chennai-600 106.

+1 cc to M/s.C. Sangamithirai, Advocate sr 29796.

+1 CC to M/s.H. Yasmeen Ali, Advocate sr 29917.

+1 CC to Govt. Pleader sr 30051.

W.P.No.8209 of 2018

SP(14/05/2018)

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