

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2018

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
and
THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.21954 of 2017
& WMP Nos.23002 & 23003 of 2017

R.Settu

.. Petitioner

Vs.

1.The District Collector,
Collectorate, Sathuvachari,
Vellore.

2.The Tahsildar,
Taluk Office,
Walaja Taluk, Vellore District.

3.The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai, Guindy,
Chennai-600 032.

4.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Auxillium College Road, Gandhi Nagar,
Vellore-632 006.

5.The Assistant Director of Mines
and Geology, Vellore District.
Vellore.

6.Sathya Murthy,
M/s Trans Granites Limited,
No.51, NH4-MBT Road,
Thenkadapanthangal Village,
Musri Road, Walaja Taluk,
Vellore District, Tamil Nadu 632 513.

... Respondent

Writ petition filed under Article 226 of the Constitution of India seeking to issue a writ of certiorarified mandamus to call for the entire records of impugned letter of the fourth respondent in his Lr.No.DEE/TNPCB/VLR/W.P.No.19642 and W.M.P.No.17003 of 2016 dated 26.08.2016 addressed to sixth respondent and copy of the order communicated to the petitioner

and others and quash the same as illegal and further direct respondents 1 to 5 not to permit the sixth respondent to carry out quarry work in the village namely Ananthalai Village, Walaja Taluk, Vellore District.

For Petitioner : Mr.A.Gouthaman

For Respondents: Mr.N.Sakthivel,
Addl.Government Pleader for R1, 2 & 5

Mrs.Rita Chandrasekar,
Standing Counsel for R3 & R4

Mr.R.Senniappan for R6

ORDER

(Order of the Court was made by M.M.SUNDRESH,J.)

The petitioner, who is the neighbour of the sixth respondent, has come forward to file this writ petition seeking to quash the order dated 26.08.2016, by which, the earlier consent given to establish was reiterated subject to the conditions imposed.

2. The learned counsel appearing for the petitioner would submit that the direction issued by this Court on an earlier occasion in W.P.No.19612 of 2016 has not been complied with in its letter and spirit. This direction was issued to the District Collector, viz., fourth respondent. Now the impugned order has been passed by the fourth respondent. Inasmuch as, the industry is highly polluting one, the order impugned will have to be set aside.

3. We do not find any merit in this writ petition. Admittedly, even at the time of filing the writ petition, the consent to establish was given. Now, the consent to operate has not been given. As of now, the sixth respondent is not running the unit. We are also of the view that there is no alleged non compliance of the order on the part of the first respondent. At that point of time, the first respondent did not have any right to deal with the matter. Therefore, rightly it was referred to the fourth respondent to consider the representation of the petitioner, who conducted an enquiry and passed an order after due notice to the petitioner. If the petitioner has got any grievance, he can very well work out his remedy in the manner known to law. In that eventuality, the petitioner can very well raise all the contentions before the concerned authority, including the impugned order.

4. With the aforesaid observation, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar (CS VII)

True Copy

Sub-Assistant Registrar

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To

1. The District Collector,
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Vellore.
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Vellore-632 006.
5. The Assistant Director of Mines
and Geology, Vellore District.
Vellore.

- +1 CC to Mr.R. Senniappan, Advocate sr 50864.
+1 CC to Mr.A. Gowthaman, Advocate sr 49741.
+1 CC to The Govt. Pleader sr 50029.

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W.P.No.21954 of 2017

SP(02/08/2018)