

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.09.2018
CORAM
THE HONOURABLE Mr.JUSTICE N.KIRUBAKARAN
W.P.No.32597 of 2016
and
W.M.P.No.28247 of 2016

S.Varijackson .. Petitioner
Vs

1.The District Collector,
Erode District, Erode 638 011.

2.The Executive officer,
Athani Town Panchayat,
Athani, Erode District.

3.The Assistant Engineer,
Operation and Maintenance/West,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Gobi Electricity Distribution Circle,
Athani, Anthiyur Taluk,
Erode District.

4.A.K.Subramaniam

5.Pappathi

6.The Tamil Nadu Pollution Control Board,
Rep. by its Chairman,
Arumbakkam, Chennai
(R6 suo motu impleaded as per order dated 24.04.2018)

... Respondents

PRAYER : Petition filed under article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to ensure that the respondents 4 and 5 have removed the entire machineries and other materials form the residential site in S.F.No.442/4 Athani Village, Anthiyur Taluk, Erode District, in compliance with the order dated 08.08.2016 made in Na.Ka.No.45/2016 passed by the 2nd respondent.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.T.M.Pappiah (for R1)
Special Govt. Pleader

Mr.M.Elumalai (for R2)
Government Advocate

Mr.S.K.Rameshuwar (for R3)

Mr.Vivekanandan (for R4 & R5)

Ms.H.Yasmeen Ali (for R6)

O R D E R

The Writ Petition has been filed seeking for a Writ of Mandamus directing the respondents 1 to 3 to ensure that the private respondents 4 and 5 have removed the entire machineries and other materials from the residential site in S.F.No.442/4, Athani Village, Anthiyur Taluk, Erode District.

2.The grievance of the petitioner is that the 4th respondent established a doubling unit in the midst of residential area near petitioner's house. The doubling unit is causing various pollutions including noise pollution and therefore, the petitioner has come before this Court with this Writ petition.

3.Heard, Mr.N.Manokaran, learned counsel appearing for the petitioner and Mr.T.M.Pappiah, learned Special Government Pleader appearing for the 1st respondent, Mr.M.Elumalai, learned Government Advocate appearing for the 2nd respondent, Mr.E.Rameshuwar, learned standing counsel appearing for the 3rd respondent, Mr.Vivekanandan, learned counsel appearing for the 4th and 5th respondents and Ms.H.Yasmeen Ali, learned counsel appearing for the 6th respondent.

4.Pursuant to the orders of this Court, the Pollution Control Board, inspected the unit of the 4th and 5th respondents and permission was declined to them. Mr.Vivekanandan, learned Counsel appearing for the 4th and 5th respondents would submit that the private respondents had preferred an appeal before the Pollution Control Board and they would work out their remedy before the said authority.

5.In view of the above development, the 4th and 5th respondents cannot operate any unit without the consent of the Pollution Control Board. Therefore, the grievances expressed by the Writ Petitioner has been taken care by the Pollution Control Board.

6.As rightly pointed out by Mr.N.Manokaran, learned Counsel appearing for the petitioner, whenever any proceedings are initiated with regard to the units of the 4th and 5th respondents before any forum, the said 4th and 5th respondents are duty bound to make the petitioner as a party, so that the petitioner will be heard before passing of any order.

Accordingly, this Writ Petition is disposed of. Consequently, connected Miscellaneous petition is closed. No costs.

28.09.2018

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Note: Issue order copy by 01.10.2018.

To

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3.The Assistant Engineer,
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Erode District.

4The Tamil Nadu Pollution Control Board,
Rep. by its Chairman,
Arumbakkam, Chennai.

N.KIRUBAKARAN, J

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