

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20/8/2018

C O R A M

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MRS.JUSTICE M.GOVINDARAJ

Writ Petition Nos.16311 and 16312 of 2018

M/s.Madura Coats Private Limited
rep. by its Manager - Excise & Legal
Mr.M.Ramasubramanian
Papavinasam Mills Post
Ambasamudram
Tirunelveli 627 422.

... Petitioners in
both the petitions

Vs

1. The Tamil Nadu Pollution Control Board
(TNPCB)
rep. by its Chairman
76 Mount Salai
Guindy
Chennai 600 032.
2. The District Environmental Engineer
Tamil Nadu Pollution Control Board
(TNPCB)
Tirunelveli.
3. The Superintending Engineer
TANGEDCO
Tirunelveli EDC
Maharaja Nagar
Tirunelvlei 627 011.
4. The Assistant Engineer
TANGEDCO
SS/Vickramasingapuram
Ambasamudram Taluk
Tirunelveli.

... Respondents in both the
petitions

PRAYER in W.P.No.16311 of 2018: Petition filed under Article
226 of the Constitution of India, praying for the issuance of a

writ of Certiorari to call for the records of the first respondent's impugned proceedings bearing Proc.No.T5/TNPCB/F-206/TNV/2018 dated 20/6/2018 culminating in its impugned proceedings bearing Proc.No.T5/TNPCB/F-206/TNV/Closure Direction/2018-1 dated 28/6/2018 and Proc.No.T5/TNPCB/F-206/TNV/EB/2018-2 dated 28/6/2018 and to quash the same.

PRAYER in W.P.No.16312 of 2018: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of mandamus to forbear the first and second respondents, their men, agents, representatives, officers, assigns, servants and/or anyone acting through or under them, from initiating any coercive action against the petitioner without scrupulously following the provisions of the Environment (Protection) Act, 1986, Environment (Protection) Rule, 1986 and Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016.

For Petitioner ... Mr.Sriram Panchu
Senior Advocate
for Mr.Arun Anbumani

For respondents ... Mr.Aravind Pandiyan
Additional Advocate General
for Ms.Rita Chandrasekar

C O M M O N O R D E R

(Order of the Court was made by S.MANIKUMAR, J)

M/s. Madura Coats Private Limited, Tirunelveli, has filed Writ Petition No.16311 of 2018, to quash the impugned proceedings of the first respondent, in Proc.No.T5/TNPCB/F-206/TNV/2018, dated 20/6/2018, culminating in its impugned proceedings, bearing Proc.No.T5/TNPCB/F-206/TNV/Closure Direction/2018-1, dated 28/6/2018 and Proc.No.T5/TNPCB/F-206/TNV/EB/2018-2, dated 28/6/2018.

2. Company has filed Writ Petition No.16312 of 2018, to forbear the first and second respondents, their men, agents, representatives, officers, assigns, servants and/or anyone acting through or under them, from initiating any coercive action against the petitioner without scrupulously following the provisions of the Environment (Protection) Act, 1986, Environment (Protection) Rule, 1986 and Hazardous and Other Wastes (Management & Transboundary Movement) Rules, 2016.

3. After hearing Mr.Sriram Panchu, learned Senior Counsel for the petitioner and Mr.Aravind Pandian, learned Additional Advocate General, on 29/6/2018, in W.M.P.No.19441 of 2018, we passed the following order.

"There shall be an order of interim directions directing the respondents to forthwith restore power supply to the petitioner's unit at S.F.No.333-1A, 333-1C, 333-3, 334-1, 334-3A, 334-3C, 334-3D, 335-1, 335-3B, 336, 337-3, 337-1B, 338-1, 338-3B, 338-3D, 338-4B, 339-1, 339-3, 340, 341-1, 341-2, 341-3, 341 - 5, 342, 343-2, 551, 552, 553, 554, 558, 595, 594-1,667, Aladiyur 2 Village, Ambasamudram Taluk, Tirunelveli District.

Notice.

Post on 0/7/2018.

Ms.J.Parimalam for Ms.Rita Chandrasekar, learned counsel for TNPCB, Mr.S.K.Rameshwar, learned counsel for the Electricity Board and Mr.Karunanidhi, Law Officer, TNPCB, present in Court, shall communicate the orders of this Court to the respondents in both the writ petitions for compliance forthwith. Respondents shall file counter."

4. Today, on behalf of the Tamil Nadu Pollution Control Board (TNPCB), Chennai and the District Environmental Engineer, Tamil Nadu Pollution Control Board (TNPCB), Tirunelveli, memo, dated 30th July 2018 has been filed. Though at paragraph Nos.4 and 9, respondents have submitted that there was violation of the unit by dumping of hazardous waste, which lead to ground water pollution and that the unit has failed to take necessary remedial action, at paragraph No.10 of the memo, dated 30th July 2018, respondents 1 and 2 have stated that Board has decided to withdraw the present closure order, dated 28/6/2018 as well as show cause notice, dated 20/6/2018, served on the unit M/s. Madura Coats Private Limited, Aladiyur 2 Village, Ambasamudram Taluk, Tirunelveli District. Board has decided to give an opportunity of not less than fifteen days, reserves its right to pursue in the manner known to law, with a view to bring to an end the present impasse.

5. Though averments touching upon the alleged violation, are made in paragraph Nos.4 and 9 of the memorandum, dated 30/7/2018, we are not inclined to delve with the same. Board has now decided to withdraw the closure order, dated 28/6/2018 and show cause Notice, dated 20/6/2018, respectively.

6. Mr.Aravind Pandiyan, learned Additional Advocate General, submitted that as the matters are seized of, Board is yet to withdraw the closure order, dated 28/6/2018 and show cause Notice, dated 20/6/2018.

7. In view of the decision taken, Chairman, Tamil Nadu Pollution Control Board, Chennai, is directed to withdraw the closure order, dated 28/6/2018 and show cause Notice, dated 20/6/2018, respectively, forthwith, on receipt of the copy of the order made in the instant writ petitions and accordingly, communicate the same to the petitioner. Respondents are at liberty to proceed, in accordance with law.

8. With the above directions, these writ petitions are disposed of. Memorandum, dated 30th July 2018, shall be treated as part of record. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Chairman
Tamil Nadu Pollution Control Board (TNPCB)
76 Mount Salai
Guindy
Chennai 600 032.
2. The District Environmental Engineer
Tamil Nadu Pollution Control Board (TNPCB)
Tirunelveli.
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4. The Assistant Engineer
TANGEDCO
SS/Vickramasingapuram
Ambasamudram Taluk
Tirunelveli.

+2cc to Mr.Arun Anbumani, Advocate, S.R.No.56755
+1cc to Mr.Ritachandrasedkar, Advocate, S.R.No.56995

Writ Petition Nos.16311 and 16312 of 2018

GSP(21/08/2018)