

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2018

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

W.P.No.18072 of 2018

Mohan Kumar

S/o Narayanasamy

... Petitioner

-vs-

1. The Assistant Commissioner
Coimbatore Corporation
East Zone, Coimbatore-5
2. The District Environmental Engineer
Tamil Nadu Pollution Control Board
Coimbatore (South)
42-D, S.N.R.College Road
Coimbatore 641 004
3. The District Collector
Collectorate Buildings
Coimbatore
4. The Management
Quality Gears
No.55, 56, Venkatalakshmi Nagar
Singanallur
Coimbatore 641 005

5. S.Suresh

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 2 and 3 to forthwith close the Gear manufacturing unit and plastic recycling unit run by the fourth and fifth respondents at Plot Nos.55,56,57, Venkatalakshmi Nagar, Singanallur Coimbatore 641 005 in the residential area and consequently direct the fifth respondent not to use the residential zone in future for any other industrial purpose.

For Petitioner :: Mr.N.Umapathi

For Respondents:: Mr.S.Saravanan for R1
Mrs.Rita Chandrasekaran
Standing Counsel for R2
Mr.Akhil Akbar Ali
Government Advocate for R3
Mr.S.Sai Sathyajith for R4 & 5

ORDER

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

The present writ petition has been filed seeking a mandamus directing the respondents 2 and 3 to forthwith close the Gear manufacturing unit and plastic recycling unit run by the fourth and fifth respondents at Plot Nos.55,56,57, Venkatalakshmi Nagar, Singanallur Coimbatore 641 005 in the residential area and consequently direct the fifth respondent not to use the residential zone in future for any other industrial purpose.

2. In the affidavit, it has been averred that the petitioner is a resident of Plot No.53, Venkatalakshmi Nagar, Singanallur, Coimbatore and adjacent to the petitioner's land, the fifth respondent is owning the plot bearing Nos.55, 56, 57. The petitioner's land and the land belonging to the fifth respondent is in the same Survey No.243, which has been declared as a residential area by the Director of Town and Country Planning. Though the said site was declared as a residential area, the fifth respondent, who is the owner of Plot Nos. 55 to 57, is running a plastic waste recycling unit and manufacturing plastic products. The fifth respondent is operating the said factory without obtaining licence from the statutory authorities. The grievance of the petitioner is that during the grinding operation of plastics, noise pollution is being caused by the fifth respondent. Therefore, the petitioner and his family members are finding it difficult to lead a peaceful life and are also greatly facing health problems. Hence, the petitioner lodged complaints before the District Collector, Coimbatore on 24.4.2017, 15.5.2017 and 22.5.2017, who in turn directed the concerned District Environmental Engineer of Tamil Nadu Pollution Control Board to take action. Accordingly, the District Environmental Engineer has clearly sent a reply on 24.5.2017 to the petitioner stating that they have not granted any permission for the manufacture of plastic products through recycling and that his complaint has been forwarded to the Assistant Commissioner, Coimbatore Corporation East Zone. Thereafter, the Health Inspector has inspected the premises of the fifth respondent and directed him to remove the plastic waste regularly and also instructed him that he should not cause

any nuisance to the adjacent residential persons. But the fifth respondent has given scant respect to the authorities with an intention to violate the rules and also the the directions and instructions given by the Government authorities. Therefore, he has filed this writ petition.

3. The fifth respondent against whom the petitioner has made a complaint, has filed his counter affidavit denying all the allegations. The second respondent-District Environmental Engineer of Tamil Nadu Pollution Control Board has also filed a counter affidavit. The learned standing counsel for the second respondent submitted that the Board has already initiated action in issuing the show cause notice dated 23.8.2018 and they are awaiting the reply from the fifth respondent.

4. We have heard the learned counsel for the parties.

5. The second respondent, in paragraphs 13 & 14 of the counter affidavit, has stated as follows:-

"13. It is respectfully submitted that, the plastic products manufacturing unit M/s Sura Plastic Industries is located at Plot No.57, S.F.No.243/244/1C, Venkatalakshmi Nagar, Singanallur Village, Coimbatore South Taluk, Coimbatore District is a small scale industry and is classified as Orange Category (as per TNPCB B.P.No.06, dated 02.08.2016) 2060-Reprocessing of waste plastic including PVC. The unit has to obtain consent from the TNPC Board.

14. It is respectfully submitted that the Ambient Air Quality and Ambient Noise Level parameters are within the limits prescribed by the TNPC Board for residential zone and reply for the show cause notice from the unit of M/s Sura Plastics is awaited. After receipt of the reply from the unit further action would be initiated against the unit M/s Sura Plastics in accordance with the law in-force. The another unit M/s Quality Gear is an engineering unit which is classified as "white category", and no necessity of obtaining the consent to operate from the TNPC Board."

6. Since already action has been initiated, there is no need for this Court to give any specific direction in the matter, except directing the second respondent to proceed with the further action in accordance with law after receiving the

reply. With this observation, the writ petition stands disposed of. Consequently, W.M.P.Nos.21352 & 27573 of 2018 are closed. No costs.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Assistant Commissioner
Coimbatore Corporation
East Zone, Coimbatore-5
2. The District Environmental Engineer
Tamil Nadu Pollution Control Board
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42-D, S.N.R.College Road
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3. The District Collector
Collectorate Buildings
Coimbatore

+1cc to Mr.Saisathyajith, Advocate, S.R.No. 64853
+1cc to Mr. Rita Chandrasekar, Advocate, S.R.No. 64897
+1cc to Mr. S.Saravanan, Advocate, S.R.No. 64927
+1cc to Mr. N.Umapathi, Advocate, S.R.No. 65276

सत्यमेव जयते

W.P.No.18072 of 2018

GN (03/10/2018)

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