

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2018
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THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.29289 of 2018
WMP.NOs.34228 & 34231 of 2018

M/s.Tamil Nadu Waste Management Ltd.,
Rep. by its Authorized Signatory Sreedhar Reddy
Level-4, "Diamond Dune",
No.323, Poonamallee High Road,
Chennai - 600 029.

..Petitioner

Vs

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Superintendent of Police,
Madurantagam Taluk,
Kancheepuram District.

3.The Inspector of Police,
Madurantagam Police Station ,
Kancheepuram District.

4.The District Revenue Officer,
Kancheepuram District,Kancheepuram.

5.The Tamil Nadu Pollution Control Board,
Rep by the District Environmental Engineer,
SIPCOT Industrial Complex, Oragadam,
Sriperumbudur.

..Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to direct the respondents to issue necessary police protection to the factory employees, premises and vehicles of the petitioner in respect of the Bio-medical waste facility located at S.F.No.R.S.No.29/3, Kinnar Village, Maduranthagam Taluk, Kancheepuram District owned and operated by the petitioner herein at the cost of the petitioner.

For Petitioner : Mr.A.R.L.Sundaresan
Senior counsel
for M/s.L.Murali Krishnan
For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Writ Petition has been filed seeking for police protection to the factory employees, premises and vehicles of the petitioner in respect of the Bio-medical waste facility located at S.F.No.R.S.No.29/3, Kinnar Village, Maduranthagam Taluk, Kancheepuram District owned and operated by the petitioner herein at the cost of the petitioner.

2. The learned Senior Counsel for the petitioner would submit that the petitioner is involved in disposal of bio-medical Waste Management and the petitioner company has obtained consent from the Tamil Nadu Pollution Control Board to establish a bio-medical waste treatment Plant. The petitioner has also been awarded the contract by the Tamil Nadu Medical Services Corporation Limited, to collect the bio-medical waste and dispose the same in accordance with the bio-medical (management and handling) rules. The petitioner company has also been given the right to handle bio-medical waste collected from the Government Hospitals and also from Several Private Hospitals and Health Care Facilities.

3. The learned Senior Counsel would submit that all of a sudden on 30.10.2018, a mob of persons entered into the petitioner's premises and threatened the petitioner's employees from carrying on with the processing work. The learned Senior counsel would submit that inspite of getting permission from all the concerned statutory authorities, the petitioner cannot be prevented from carrying on with the work, by a mob of people with oblique motives.

4. The learned Senior counsel would submit that a complaint was also given by the petitioner to the 3rd respondent on 31.10.2018, seeking for police protection to the employees and also the premises belonging to the petitioner. According to the learned Senior counsel, inspite of receipt of the complaint, the respondent police have not taken any action against the persons, who are preventing the petitioner from carrying on with the work and the respondent police are also not giving any police protection.

5. The learned Additional Public Prosecutor would submit that the respondent police have not received any complaint from the petitioner. If the complaint is received from the

petitioner, necessary action will be taken by the police in accordance with law.

6. It is seen from the records that the petitioner has obtained consent from the Tamil Nadu Pollution Control Board to establish the bio-medical waste treatment plant. It is also seen from the records that the petitioner has received permission from all the statutory authorities and the petitioner has been authorised to collect the bio-medical waste and dispose of the same, from various Government Hospitals and also from Several Private Hospitals and Health Care Facilities. Till there is a permission authorising the petitioner to handle bio-medical waste, no one can prevent the petitioner from carrying on with the operation, which is legally permissible. In fact preventing the petitioner from carrying on with the work will only lead to environment disaster. Thereby, the bio-medical waste will remain untreated and it will lead to an epidemic. Persons cannot take law into their own hands and prevent others from carrying on with a lawful activity for which necessary permission has been granted by all the statutory authorities.

7. The petitioner has given a complaint to the respondent police in this regard on 31.10.2018. However no action has been taken till date by the 3rd respondent. This Court is satisfied that necessary protection has to be granted to the petitioner to carry on with the work and the petitioner cannot be prevented from disposing of the bio-medical waste by any one.

8. This writ petition is disposed of with a direction to the petitioner to give a fresh representation to the 3rd respondent seeking for police protection. The 3rd respondent, on receipt of the representation, shall provide necessary police protection to the petitioner and also take action against these persons who prevent the petitioner from carrying on with the work.

9. The petitioner also shall pay the necessary charges applicable as per the Government order of the Home Department passed in G.O.Ms.No.249 Home (POL-VIII) Dept, dated 21.03.2017.

10. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Kancheepuram District,
Kancheepuram.

2.The Superintendent of Police,
Madurantagam Taluk,
Kancheepuram District.

3.The Inspector of Police,
Madurantagam Police station,
Kancheepuram District.

4.The District Revenue Officer,
Kancheepuram District,
Kancheepuram.

5.The District Environment Engineer,
Tamil Nadu Pollution Control Board,
SIPCOT Industrial Complex, Oragadam,
Sriperumbudur.

+1cc to Mr.L.Murali Krishnan, Advocate, S.R.No.76868

W.P.No.29289 of 2018

NRJK(CO)
RRK(09/11/2018)