

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated : 02.04.2018****CORAM :****THE HONOURABLE MR.JUSTICE C.T.SELVAM****And****THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED****W.P(MD)No.4132 of 2018****and****W.M.P(MD)No.4304 of 2018**

L.Thiyagarajan

... Petitioner

vs.

1. The Commissioner,
Madurai Corporation,
Madurai.

2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
SIDCO Industrial Estate,
Kappalur, Thirumangalam,
Madurai - 625 008.

3. K.Maickelraj
M.M.M.Engineering Works - All types
of Lathe Works & Welding Fabrication Works,
No.90, Ponmeni Main Road,
Madurai - 10.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 herein to forthwith take action against the 3rd respondent pursuant to the representation, dated 02.02.2018 by the petitioner and restrain the 3rd respondent from carrying on lathe work and welding fabrication works under the name and style of MMM Engineering Works at No.90, Ponmeni Main Road, Madurai.

For Petitioner : M/s.AL.Ganthimathi

For Respondent-1 : Mr.T.S. Md.Mohaideen
Additional Govt.Pleader

For Respondent-2 : Mr.M.Govindan
Special Government Pleader

ORDER**(Order of the Court was made by C.T.SELVAM, J.)**

The writ petitioner has sought for a direction to respondents 1 and 2 viz., the Commissioner, Madurai Corporation, Madurai and the District Environmental Engineer, Tamil Nadu Pollution Control Board, Madurai, to take action against the 3rd respondent by



restraining him from carrying on lathe works, under the name and style of 'M.M.M.Engineering Works' on the premises earmarked as residential zone wherein, no industrial activity is permitted.

2. Mr.M.Govindan, the learned counsel for the 2nd respondent submits that finding the representation of the petitioner to be correct, the 2nd respondent has under Proc.No.TNPCB / LAW / L.A/ SHRC/F.026373/2017, dated 15.11.2017 required the first respondent to take necessary action to remove the nuisance.

3. Mr.T.S.Mohammed Mohaideen, the learned Additional Government Pleader for the first respondent submits that the communication of the 2nd respondent, dated 15.11.2017 has been sent only on 12.02.2018. In effect, the submission is that there is no lack of promptitude on the part of the first respondent in taking action against the wrong complained of.

4. In the circumstances, the writ petition shall stand disposed of with a direction to the first respondent to take appropriate action towards removing the nuisance, within a period of four months from the date of receipt of a copy of this order. Notice to the 3rd respondent, in the circumstances of the case, is not necessary. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner,
Madurai Corporation,
Madurai.

2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
SIDCO Industrial Estate,
Kappalur, Thirumangalam,
Madurai - 625 008.

+1cc to M/s.AL.Ganthimathi, Advocate Sr.No.59406

+1cc to Mr.T.S. Md.Mohaideen, Advocate Sr.No.59159

+1cc to Mr.M.Govindan , Advocate Sr.No.59414

MPK

VB/JC/SAR4/23.04.2018/2P/6C