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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P(MD)No.1373 of 2014
and
M.P(MD)No.1 of 2014

V.R.Ramachandran

... Petitioner

Vs.

- 1.The District Collector,
Madurai.
- 2.The Commissioner,
Madurai Corporation,
Madurai.
- 3.The Director,
Fire and Rescue Department,
Madurai.
- 4.The District Environment Engineer,
Tamil Nadu Pollution Control Board,
Kappalur, Madurai.
- 5.The Revenue Divisional Officer,
Madurai.
- 6.The Inspector of Police,
Theppakulam Division Police Station,
Madurai.
- 7.K.K.Karthik Kumar
Proprietor of Meenakshi Water Service,
29/c1, A.A.Private Lane, C.M.R.Road,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 6 herein to take appropriate action for removal of MEENAKSHI WATER SERVICES run by the 7th respondent at 29/c1, A.A.Private Lane, C.M.R.Road, Madurai causing nuisance, noise and air pollution to the residents of A.A.Private Lane within a specific period as prescribed by this Court.

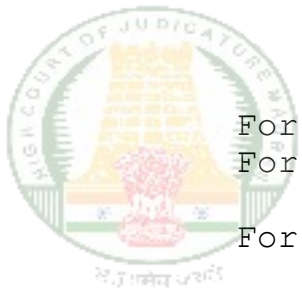
For Petitioner

<https://hcservices.ecourts.gov.in/hcservices/>
For RR 1,3,5 &6

: Mr.F.Deepak

: Mr.C.M.Marichelliahaprabu

Addl.Govt.Pleader



For R2
For R7
For R4

: Mr.R.Murali
: Mr.P.T.Ramesh Raja for
Mr.R.Ponkarthikeyan
: No appearance

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O R D E R

(Order of the Court was made by M.SATHYANARAYANAN,J.)

By consent, the Writ Petition itself is taken up for final disposal.

2. Mr.F.Deepak, learned counsel appears for the petitioner, Mr.C.M.Marichelliah Prabu, learned Additional Government Pleader appears for the respondents 1, 3, 5 & 6, Mr.R.Murali, learned counsel appears for the second respondent and Mr.P.T.Ramesh Raja for Mr.R.Ponkarthikeyan, learned counsel appears for the seventh respondent.

3. The grievance expressed by the petitioner, who is the resident of A.A.Private lane, C.M.R.Road, Madurai-9, is that the 7th respondent /Proprietor of the Meenakshi Water Service, under the guise of water servicing the two wheelers, causing pollution and also parking the vehicles of the customers on the road, thereby creating nuisance and also causes hindrance and hence, came forward to file this writ petition.

4. The Tamil Nadu Pollution Control Board has filed a counter affidavit stating among other things that the 7th respondent, with regard to the action initiated, approached the National Green Tribunal and the Tribunal directed him to file consent application within a period of one week and thereafter, two weeks time for the Board to consider the application on merits in accordance with law and pass appropriate orders and the 7th respondent has also submitted an application and though it was returned for certain compliance, he is yet to resubmit the same along with the enclosures and that the case filed by him before the National Green Tribunal was also dismissed on 31.03.2014.

5. The Revenue Divisional Officer, the fifth respondent has also filed a counter affidavit stating that on account of the running of water service station, there is stagnation of water in the lane and there is no drainage facility available and it is causing pollution in the area.

6. The learned Standing counsel appearing for the Corporation of Madurai would submit that since the 7th respondent did not submit the application, consent/clearance from Tamil Nadu Pollution Control Board, Jurisdiction Assistant Commissioner recommended that the unit to be shifted somewhere else and the waste water channel is being let in through the drainage lane maintained by the Corporation.



7. The learned counsel for the petitioner would submit that in the light of the adverse report, the unit being run by the 7th respondent is ordered to be shut down forthwith.

8. The learned counsel for the 7th respondent would submit that the 7th respondent is having a family consisting of the wife and two children and his livelihood is depending upon the meagre income earned out of by running water service station and would undertake that he will represent the application before the Jurisdictional Tamil Nadu Pollution Control Board, within a period of four weeks from the date of receipt of a copy of this order and prays for some breathing time to comply with the orders passed by the National Green Tribunal.

9. This Court has considered the rival submissions and also perused the materials placed on record.

10. The fact remains that the 7th respondent in compliance of the order passed by the National Green Tribunal, approached the District Environmental Engineer, Kappalur, Madurai-8, seeking consent and it was returned on 03.10.2017, seeking additional particulars and the 7th respondent is yet to represent the same. The Court taking into consideration the submissions made by the learned Standing Counsel appearing for Corporation of Madurai that the waste water channel is being let in through the drainage lane maintained by the Corporation and considering the fact that the 7th respondent is eke out his livelihood by running the water service station and his entire family also depend upon the same, grants eight weeks time to the 7th respondent to comply with the pollution control norms and till such time, the water service station run by the 7th respondent need not be closed. It is also made clear that the 7th respondent, while carrying his trade activities, shall not create noise or water pollution and maintain the area in and around his place of business daily and need sanitary condition and shall not cause nuisance by parking the two wheelers of the customers on the side lane of the said narrow street. The petitioner, who has approached this Court also under equal obligation to maintain the street, in a need and daily manner and he has also accepted not to park his two wheeler on the side of the lane.

11. The Writ Petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (AS)

/True Copy/



To

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Madurai.

WEB COPY

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5.The Revenue Divisional Officer,
Madurai.

6.The Inspector of Police,
Theppakulam Division Police Station,
Madurai.

+One cc to Mr. F.Deepak, Advocate, SR.No.46263

+One cc to Mr.R.Ponkarthikeyan, Advocate, SR.No.46448

+One cc to Mr.R.Murali, Advocate, SR.no.46425

Ns/akv

RL/10C/4P/JC/SAR1/21/2/2018

W.P. (MD) No.1373 of 2014