



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.[MD]No.23117 of 2017

and

W.M.P.[MD]No.19431 of 2017

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G.Villayutham

: Petitioner

Vs.

1.The District Collector,  
Ramanathapuram District,  
Ramanathapuram.

2.The District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
1/880, Sait Ibrahim Nagar 1st Street,  
Bharathi Nagar,  
District Collector Office Post,  
Ramanathapuram - 623 505.

3.The Block Development Officer,  
Thiruvadanai Taluk,  
Ramanathapuram District.

4.Thajudeen,  
S/o.Sahul Hameed,  
Proprietor,  
M/s.Bismi Aquatic Products,  
Survey No.50/2, Patta No.48,  
Machur Village,  
Thiruvadanai Taluk,  
Ramanathapuram District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, forbearing the respondents 1 and 2 to permit the fourth respondent to perform production of fish oil in the residential village of the petitioner causing highest air and water pollution and directing the respondents 1 and 2 to restrain the fourth respondent from functioning the company namely M/s.Bismi Aquatic Products situated at Survey No.50/2, Patta No.48, Machur Village, Thiruvadanai Taluk, Ramanathapuram District, causing highest air and water pollution to the entire locality including the village of the petitioner.

For Petitioner : Mr.K.R.Laxman

For Respondent No.1 : Mr.N.Shanmugaselvan

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Additional Government Pleader

For Respondent No.2 : No Appearance



For Respondent No.3 : Mr.Aayiram K.Selvakumar  
For Respondent No.4 : Mr.G.Prabhu Rajadurai,  
For Mr.S.M.A.Jinnah  
Advocate Commissioner : Mr.L.Subramanian @ Kishore  
[No Appearance]

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O R D E R  
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[Order of the Court was made by K.K.SASIDHARAN, J.]

The petitioner filed this Writ Petition in pro bono publico to forbear the first and second respondents from permitting the fourth respondent from producing fish oil in his factory located at Survey No.50/2, Machur Village, Thiruvadanai Taluk, Ramanathapuram District, as it causes air and water pollution.

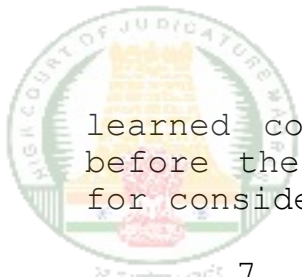
2. According to the petitioner, the fourth respondent established a Factory in the name and style of 'M/s.Bismi Aquatic Products', for manufacturing fish oil. The factory is located in a residential area and it is polluting the entire area. The petitioner submitted series of representations to the authorities. Since follow-up action was not taken, the petitioner filed this Writ Petition.

3. The Block Development Officer, the third respondent herein filed a counter-affidavit indicating that the licence to run the factory was cancelled by the Panchayat and a communication to that effect was sent to the District Collector, Ramanathapuram. According to the Block Development Officer, the local people made a complaint to the District Collector with regard to the pollution caused by the fourth respondent and made a request not to renew the factory licence.

4. The fourth respondent, in his counter-affidavit, contended that it was only after obtaining statutory clearance from all the authorities, the factory was established. The fourth respondent further submitted that a request was made to the Town and Country Planning Department for planning permission and necessary amount was deposited. It is the contention of the fourth respondent that the petitioner filed the Writ Petition with ulterior motive and there is no element of public interest.

5. The learned counsel for the petitioner contended that the fourth respondent manufactured fish oil without any regard to the environment. The licence was, therefore, cancelled by the Panchayat. According to the learned counsel, in case the factory is permitted to function, it would cause environmental pollution.

6. The learned counsel for the fourth respondent submitted that during the currency of this Writ Petition, the Pollution Control Board granted consent to run the factory. According to the



learned counsel, the fourth respondent would make an application before the Panchayat for licence and a direction should be issued for consideration of the same on merits.

7. The petitioner filed the Writ Petition with a grievance that on account of the functioning of the factory manufacturing fish oil, the entire area is polluted. The counter-affidavit filed by the third respondent contains details of the objections raised by the local people. The third respondent took a decision to recommend to the District Collector to cancel the licence.

8. The fourth respondent appears to have obtained the consent from the District Environmental Engineer during the currency of the Writ Petition. Even, according to the learned counsel for the fourth respondent, the factory is not functioning as on today and an application would be given to the Panchayat for issuance of licence.

9. The question regarding environmental pollution is an issue to be considered by the second respondent. In case a licence is issued by the Panchayat, the District Environmental Engineer should monitor the functioning of the Factory. In case, on inspection, it is found that the fourth respondent is causing environmental pollution, necessary action should be taken by the Pollution Control Board in accordance with law.

10. The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-I)

SML

To

1.The District Collector,  
Ramanathapuram District,Ramanathapuram.

2.The Block Development Officer,  
Thiruvadanai Taluk, Ramanathapuram District.

3.The District Environmental Engineer,  
Tamil Nadu Pollution Control Board,  
1/880, Sait Ibrahim Nagar 1st Street,  
Bharathi Nagar,District Collector Office Post,  
Ramanathapuram - 623 505.

• 1 CC TO Mr.K.R.LAXMAN , ADVOCATE IN SR No. 95542.

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Order made in  
W.P.[MD]No.23117 of 2017  
Dated: 15.11.2018