

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 04.01.2019
CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.21134 of 2009

G.Ganesan

... Petitioner

Vs

1.The District Collector,
Thiruvarur District.

2.The Tahsildar, Kodavasal,
Thiruvarur District.

3.The Executive Engineer,
Tamil Nadu Electricity Board,
Thiruvarur.

4.M.Arumugam

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the first respondent not to permit any commercial activity by the fourth respondent in S.No.131/3 b, New No.131/8, Manakkal Ayyampettai, Kodavasal Taluk, Thiruvarur.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.J.Ramesh, AGP for R1 and R2
Mr.P.Srinivas for R3
Mr.B.Ramamoorthy for R4

ORDER

The prayer in this writ petition is to direct the first respondent not to permit any commercial activity by the fourth respondent in S.No.131/3b, New No.131/8, Manakkal Ayyampettai, Kodavasal Taluk, Thiruvarur.

2.The case of the petitioner is that the fourth respondent has been allotted the property by the Government of Tamil Nadu in S.No.131/3b, New No.131/8, Manakkal Ayyampettai, Kodavasal Taluk, Thiruvarur for the purpose of housing, but instead of utilising the property for the purpose earmarked, he started using it for commercial activity, due to which there were considerable pollution in

the area which may even lead to fire accident. The petitioner raised objections before the Tamil Nadu Pollution Control Board asking them not to permit any industrial activity in the residential zone. After inspection by the authorities, the unit of the fourth respondent was closed. However, the local pollution control authorities were benevolent in giving orders for running the unit. On appeal by the petitioner, an order was passed by the Appellate Authority, ie., Tamil Nadu Pollution Control Board, in Application No.7 of 2006 dated 21.07.2006 in which an order of interim stay was granted suspending the proceedings of the pollution control authorities granting consent on 10.07.2006. Further on 16.10.2006, the appellate authority has passed an order in the presence of the fourth respondent, prohibiting the fourth respondent from operating his unit. Even then, the fourth respondent is continuing to run the unit using single phase supply. The efforts made by the petitioner before the authorities to initiate appropriate action against the fourth respondent, went in vain. Hence this writ petition.

3.Heard the learned counsel on either side and perused the materials available on record.

4.In the order passed by the Tamil Nadu Pollution Control Board dated 16.10.2006 in Appeal No.49 of 2006, the Board has categorically observed that before operating the unit, the fourth respondent ought to have obtained valid consent from Panchayat or valid approval from various statutory authorities. It is admitted by both parties that no such consent has been obtained by the fourth respondent before running the unit. Hence, this Court is of the view that the commercial activity of the fourth respondent in S.No.131/3 b, New No.131/8, Manakkal Ayyampettai, Kodavasal Taluk, Thiruvarur, shall not be continued by the fourth respondent unless there is valid consent from the authorities, in favour of the fourth respondent.

5.With the above observation, the writ petition is allowed. No costs.

Sd/-
Assistant Registrar (CS viii)

//True Copy//

Sub Assistant Registrar

KM
To

1.The District Collector,
Thiruvarur District.

2.The Tahsildar, Kodavasal,
Thiruvarur District.

3.The Executive Engineer,
Tamil Nadu Electricity Board,
Thiruvarur.

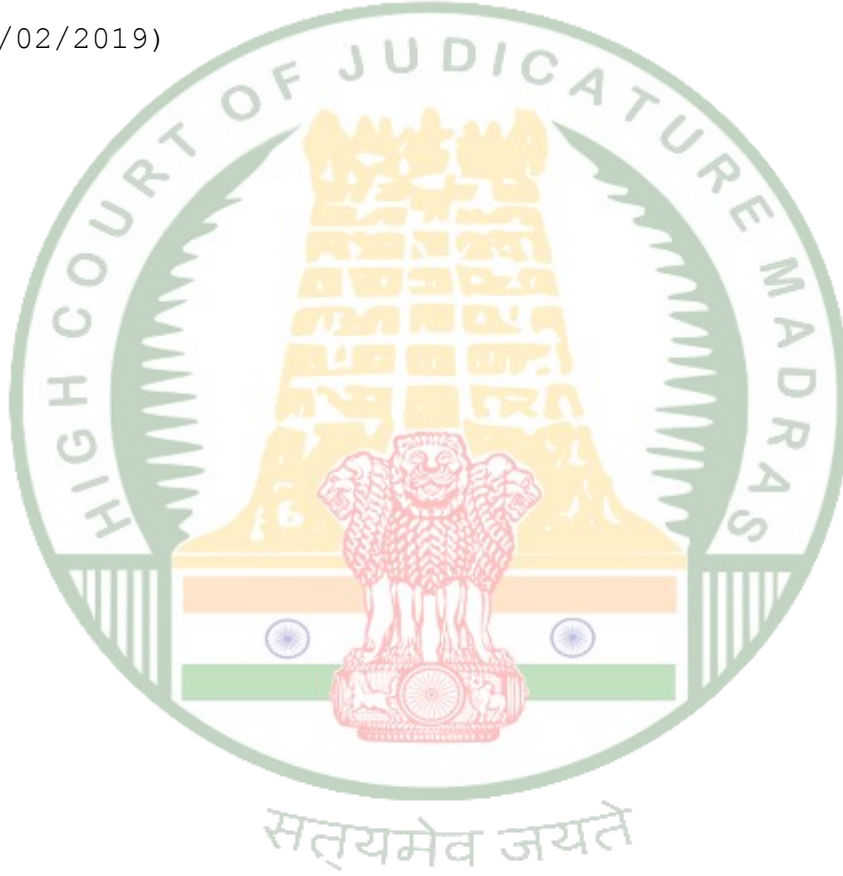
+1cc to Mr.V.Raghavachari , Advocate SR.No. 1237

+1cc to Mr.P.Srinivas , Advocate SR.No. 1178

+1 CC TO GOVERNMENT PLEADER SR.NO. 1474

W.P.No.21134 of 2009

A.SK(05/02/2019)



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