

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.4491 of 2019

M.Swaminathan

.. Petitioner

Vs.

1. The District Collector,
Nilgiris District.

2. The Tamil Nadu Pollution Control Board,
Veterinary Hospital Road,
Udhagamandalam,
Nilgiri District - 643 001.

3. M/s.Nilgiri Monarch Tea Limited,
West Brooke, Kothagiri,
Nilgiris District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the 1st and 2nd respondents to take immediate action on the petitioner's complaint dated 28.11.2018.

For Petitioner : Mr.V.Shanmugham

For Respondent 1 : Mr.Akhil Akbar Ali,
Government Advocate

For Respondent 2 : Mr.C.Kasirajan
Standing Counsel for TNPCB

O R D E R

(Order of the Court was made by S.MANIKUMAR, J.)

Claiming himself as a Public Interest Litigant, petitioner has sought for a Mandamus directing the respondents 1 & 2 to take immediate action on the petitioner's complaint dated 28.11.2018.

2. Supporting the prayer as sought for, petitioner has submitted that in his representation dated 28.11.2018, addressed to the District Collector, Nilgiris district / first respondent herein and Tamil Nadu Pollution Control Board (TNPCB), Udthagamandalam, Nilgiris district / second respondent herein, that on enquiry with the local body, he came to know that M/s.Nilgiri Monarch Tea Limited, Kothagiri / respondent No.3 herein, has not obtained any licence for running tea industry nor obtained permission from the Forest Department, Agricultural Department, Geo-Tech Department, Health Department and even from the TNPCB / Respondent No.2.

3. In the said representation, petitioner has further contended that the said factory has obtained clearance from Tamil Nadu Electricity Board and after necessary license and consent from the said authorities, they have to get permission from AKA and only thereafter, they can run the industry.

4. Reading of the representation further shows that petitioner has also contended that respondent No.3 has not obtained approval of the building plan and clearance from Town and Country Planning department. Thus, without sanction from the various departments stated supra, third respondent is running the factory and therefore he sent a representation dated 28.11.2018 to respondent Nos.1 and 2 for suitable action.

5. When this Court pointed out to the learned counsel appearing for the petitioner that the averments reproduced in paragraph Nos.5 and 6 in the supporting affidavit are not substantiated with any materials, the learned counsel appearing for the petitioner submitted that after verification of the required details with the authorities concerned⁵, the petitioner would file a comprehensive affidavit with supporting materials.

6. In view of the above, Mr.V.Shanmugham, learned counsel for the writ petitioner, sought permission to withdraw the writ petition with liberty to file a fresh writ petition containing all the particulars required and he has also made an endorsement to that effect.

7. Placing on record the above, instant writ petition is dismissed as withdrawn, with liberty as prayed for. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

kk

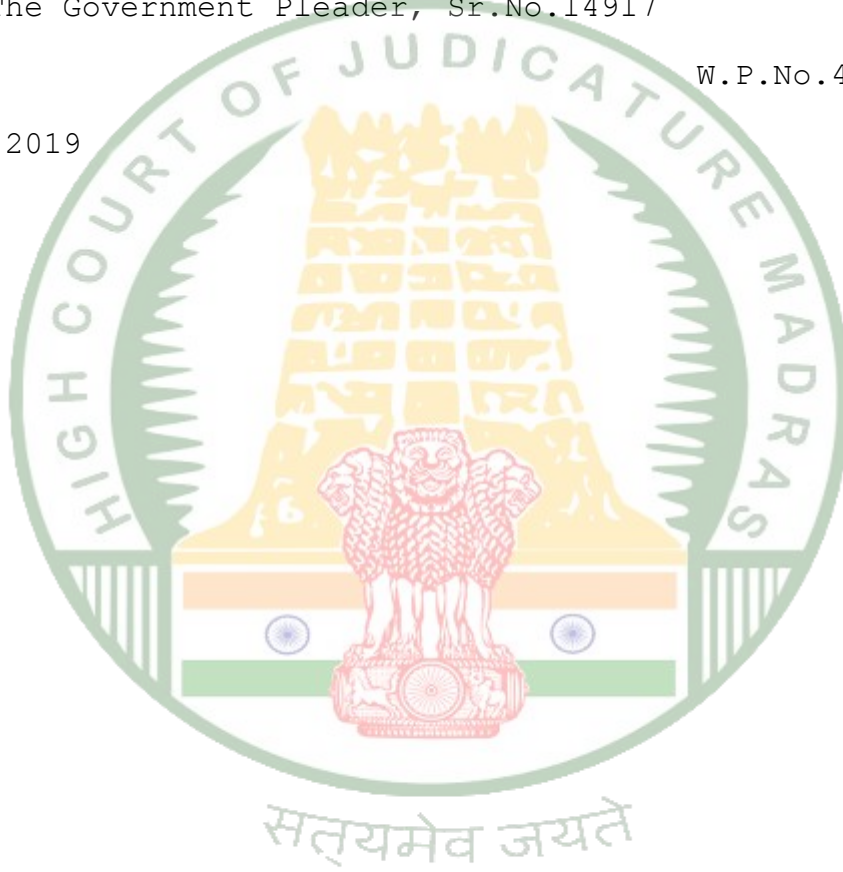
To

1. The District Collector,
Nilgiris District.
2. The Tamil Nadu Pollution Control Board,
Vertinary Hospital Road,
Udhagamandalam,
Nilgiri District - 643 001.

+1 cc to The Government Pleader, Sr.No.14917

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SR(CO)
CSL/11.03.2019



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