

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN

Writ Petition No.8615 of 2019

Mrs.K.Manimegalai

...Petitioner

Vs

1.The Commissioner,
Greater Chennai Corporation
Rippon Building,
Chennai 600 003.

2.The Zonal Officer,
Zone-IX, Greater Chennai Corporation
No.8, Lake Area, Nungambakkam,
Chennai 600 034.

3.District Environmental Engineer
Tamil Nadu Pollution Control Board,
No.950, 1, P.H.Road,
Arumbakkam, Chennai 600 106.

4.Mr.Venkatesan

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent 1 to 3 to immediately act upon the 3rd respondent direction vide notice dated 25.09.2018 within the time frame fix by this Court.

For Petitioner : Mr.K.Seetha Ram

For Respondents: Mrs.Karthika Ashok

for Chennai Corporation

O R D E R

[Order was made by R.SUBBIAH, J.]

The present writ petition has been filed for directing the respondent 1 and 2 to immediately act upon the 3rd respondent direction vide notice dated 25.09.2018.

2. The case of the petitioner is that she was residing at No.1, Giriappa Road, Drivers Colony, T.Nagar, Chennai 600 017 for the past 30 years. In the year 2017, the 4th respondent opened illegal grinding unit by putting up an unauthorised construction next to the petitioner's premises, which caused noise and air pollution. Therefore, the petitioner lodged a complaint before the 3rd respondent / District Environmental Engineer, Tamil Nadu Pollution Control Board, who has also inspected the 4th respondent premises and issued a direction, vide letter dated 21.02.2018, to the 2nd respondent, wherein it has been stated that the 4th respondent grinding activity is not permissible under the Development Regulations of CMDA for the residential use zone and directed the 2nd respondent to take appropriate action. Since no action was taken, the petitioner made a representation dated 29.11.2018 to take necessary action. Thereafter, the 2nd respondent sealed the 4th respondent's illegal grinding unit. However, again on 30.01.2015 the 4th respondent opened the sealed premises and started doing grinding activity.

3. When the petitioner once again lodged the complaint to the 2nd respondent, the 2nd respondent refused to entertain the same. Hence, the petitioner has been constrained to approach this Court.

4. This Court has taken into consideration the detailed report filed by the 2nd respondent dated 11.07.2019, wherein it is stated that the premises of the 4th respondent was again locked and sealed on 29.04.2019, after issuing notice under section 287 of the Chennai City Municipal Corporation Act, 1919.

5. At this juncture learned counsel for the petitioner would submit that the 4th respondent is prepared to vacate the premises.

6. In view of the above, no further adjudication is required in this writ petition. Hence recording the reply statement made in the report filed by the 2nd respondent, this writ petition stands closed. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner,
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Zone-IX,
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Chennai 600 034.

3.District Environmental Engineer
Tamil Nadu Pollution Control Board,
No.950, 1, P.H.Road,
Arumbakkam,
Chennai 600 106.

+1cc to Mr.K.Seetha Ram, Advocate sr.58531

+1cc to Mrs.Karthika Ashok, Advocate sr.58466

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rr(co)
nr 17/09/2019



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