

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.7775 of 2019
and W.M.P.No.8405 of 2019

V.Ganesan

.. Petitioner

Vs.

1. The District Collector,
Coimbatore, Coimbatore District.

2. The Commissioner, Corporation of Coimbatore,
Coimbatore.

3. Adulon Polymers, Rep. by its Proprietor,
N.Nandakumar, Chinnaredampetti,
Coimbatore North, Coimbatore.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 and 2 to cancel or revoke license or permission given to third respondent's manufacturing activities in the premisses bearing S.F.No.6/2, Chinnavedampatti Village, Coimbatore North Taluk, Coimbatore-641 049 by emission of poisonous gas which causes air pollution which is causing injuries to residents of the areas situated around the third respondent Company.

For petitioner : Mrs.N.Mala for M/s.T.Gnana Banu

For respondents : Mr.J.Pothiraj, Spl.G.P. for R-1

ORDER

(The Order of the Court was made by R.Subbiah,J)

The petitioner has come forward with the present Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents 1 and 2 to cancel or revoke license or permission given to third respondent's manufacturing activities in the premisses bearing S.F.No.6/2, Chinnavedampatti Village, Coimbatore North Taluk, Coimbatore-641 049 by emission of

poisonous gas which causes air pollution which is causing injuries to residents of the areas situated around the third respondent-Company.

2. It is stated by the petitioner that he belongs to Chinna Vedampatti area, Ramakrishnapuram, Sakthi Nagar, Aiyappa Nagar, LGB Nagar, Gopalakrishna Mills and he has filed the present Writ Petition on behalf of Ward No.27 of Coimbatore Corporation also.

3. It is further stated that Chinna Vedampatti area is situated at Sakthi Nagar, Aiyappa Nagar, LGB Nagar, Gopalakrishna Mills and Ward No.27 of Coimbatore Corporation. The petitioner and other residents have been breathing the polluted and poisonous chemical mixed air, which is causing danger to their lives for over ten years and because of this, a large chunk of people have been affected. In these areas, there are Jas College, Chaithanya School, Kumaragurupara Gowrava Madalaya School, Government Middle School, Corporation Elementary School, Private Ladies Hostel and hospitals, in large numbers. The general public are suffering from breathing trouble, eye disease, heart problems etc. and they are put to severe hardship. The third respondent-Company, namely Adulon Polymeers belonging to one Thiru.N.Nandakumar, is situated in the middle of the residential area, through which plastic and chemical mixed materials, known as "Deplon" are sent out as chemical gas throughout 24 hours, due to which, the residents are breathing polluted and poisonous air.

4. It is the further grievance of the petitioner that on many occasions, the residents went to the Company in person and informed of the above problems, and they did not give proper reply. They further said that they obtained proper permission from the Government and are using chemical substances like Deplon and other plastic materials. As such, while using it, it is natural that such kind of polluted and stinking odour would come out. Even the pollution control officers are silent spectators and they warned the residents. Further, in the past times, when the petitioner and residents presented the above problem before the authorities, they did not take notice of the same.

5. It is the further grievance of the petitioner that in the above atmosphere, if they live for another five years, they would be afflicted with chronic diseases and live as a permanent patients. The area is situated in Corporation area and that too, amidst the residential places where the children study and in the centre of the areas where aged people and ladies live, leading their lives by breathing poisonous air.

6. It is further submitted by the petitioner that breathing the polluted air daily, is subjecting themselves to severe hardship and mental agony, bearing many pains, incurring medical expenses on daily basis and doing the above kind of act against the innocent general public like the petitioner and residents of the area.

7. The petitioner connotes his case based on the decision of the Supreme Court reported in the case of State of M.P. Vs. Kedia Leather and Liquor Ltd., reported in 2003 (7) SCC 389, wherein the Supreme Court observed that, "environmental, ecological air and water pollution amount to violation of the 'right to life' assured by Article 21 of the Constitution of India, and hygienic environment is an integral facet of healthy life and the right to live with human dignity becomes illusory in the absence of human and healthy environment".

8. In the above scenario, the petitioner had made a representation to the respondents 1 and 2 on 02.03.2018, but no action was taken and hence, the petitioner has approached this Court for the relief stated supra.

9. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the first respondent. In view of the following order being passed, it is not necessary to issue notice to the second respondent-Coimbatore Corporation and the third respondent-Company.

10. Since the said representation is pending before the first respondent, suffice it for this Court to issue direction to the first respondent to dispose of the said representation.

11. Considering the scope of the prayer sought for by the petitioner in this Writ petition and taking into consideration the facts and circumstances of the case, and also taking into account the factual aspects of the matter, this Court, without going into the merits of the case, directs the first respondent-District Collector to consider the said representation, dated 02.03.2018, conduct enquiry, afford an opportunity of personal hearing to the petitioner and the other residents of the concerned area, including the third respondent and pass appropriate orders and dispose of the said representation, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the matter and it is for the first respondent to decide the same at the time of disposal of the said representation purely on merits. By way of abundant caution, this Court directs the petitioner to give a copy of the said representation, dated 02.03.2018 to the first respondent for

follow-up of necessary action. On such representation being received, the first respondent shall complete the abovesaid exercise in accordance with law, as directed above.

12. With the above observations and directions, the Writ Petition is disposed of. No Costs. Consequently, W.M.P. is closed.

Sd/-
Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

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To

1. The District Collector,
Coimbatore,
Coimbatore District.
2. The Commissioner,
Corporation of Coimbatore,
Coimbatore.

+1cc to M/s.T.Ghana Banu, Advocate SR.No.37377

+1cc to Government Pleader SR.No.37765

W.P.No.7775 of 2019

LN(CO)
GMY(25/06/2019)

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