

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2019

CORAM:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

Writ Petition No.16866 of 2019

N.Ravi

.. Petitioner

/versus/

1.The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai - 3.

2.The Chairman,
Tamil Nadu Pollution Control Board,
Poonamallee High Road,
Aminjikarai, Chennai - 106.

3.Muthu Perumal,
Prop.Muthu Steel Company,
No.34/12C, R.K.Nagar 1st Street,
Korukkupet, Chennai - 21.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus/direction or any other appropriate Writ directing the Official Respondents to consider the representation of the petitioner dated 05.02.2019, pass appropriate orders in accordance with law.

For Petitioner :Mr.B.R.Sankara Lingam

For Respondents :Mrs.Karthika Ashok
Senior Counsel (Corporation) for R1
Mr.Abdul Saleem for R2

O R D E R

By consent, the main writ petition is taken up for final disposal at the admission stage itself.

2. Heard Mr.B.R.Sankara Lingam, learned counsel appearing for the petitioner and Mrs.Karthika Ashok,

Standing Counsel (Corporation), takes notice on behalf of the 1st respondent and Mr. Abdul Saleem, appearing for R4.

3. The petitioner's grievance is that the 3rd respondent running a factory adjacent to his house causing noise pollution and had dumped various used chemical in the public road and causing infection to the persons and the public. He has filed the present writ petition saying that the representation to the respondents 1 and 2 on 04.02.2019 requesting them to take action against the third respondent for noise pollution and causing disturbance for the residential premises was not considered. Therefore, seeks indulgence of this Court to issue a Writ of Mandamus directing the first and second respondents to act upon his representation. After notice, the learned Standing Counsel for the Corporation got instructions from the concerned respondent and reported that a team of officers inspected the third respondent unit and found certain violations, which attract Penal Provisions as well as 287 and 288 of CCMC Rules.

4. Recording the said submission made across the bar on 20.08.2019, this Court adjourned the matter for filing status report on the action taken against third respondent. Today, the first respondent has filed a counter herein. It is stated that after the inspection conducted it was found that the 3rd respondent in contravention of the provisions and rules used 35 HP Motors for his factory instead of 3.5 HP Motors. Further the activity of the 3rd respondent industry was contrary to the licence granted. Hence, the Zonal Health Officer caused notice on 21.08.2019 and thereafter, the shop was put under lock and seal on 07.09.2019. In view of the action taken against the 3rd respondent for not complying the rules and for causing noise and disturbance, nothing survives in this writ petition.

5. Learned counsel appearing for the 3rd respondent submits that the materials are inside the premises, which is now under lock and seal and requests the leave of this Court to direct the first respondent to permit the third respondent to remove the materials inside the sealed premises.

6. Taking note of the submissions, this Court directs the petitioner herein to make a request to the

first respondent to temporarily unseal the premises for two days to enable him to remove the materials. If request is made by the petitioner in writing appropriate orders may be passed by the 3rd respondent fixing the dates for removal of the materials which are inside the sealed premises.

7. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner,
Corporation of Chennai,
Rippon Buildings, Chennai - 3.

2.The Chairman,
Tamil Nadu Pollution Control Board,
Poonamallee High Road,
Aminjikarai, Chennai - 106.

+1cc to Mr.B.R.Sankaralingam , Advocate SR.No. 84130

+2ccs to Mr.S.S.Rajesh , Advocate SR.No. 84131

+1cc to M/s.Karthiga ashok, Advocate SR.No. 8416

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A.SK(03/10/2019)

सत्यमेव जयते

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