

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.10.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.29295/2019 & WMP.Nos.29094 & 29095/2019

K.Vasunathan

..Petitioner

Versus

1. Tamil Nadu Pollution Control Board
rep.by the Member Secretary
Anna Salai, Chennai 600 032.
2. The District Environment Engineer
Tamil Nadu Pollution Control Board
Tiruppur North, 2nd Floor
Kumaran Commercial Complex
Kumaran Road, Tiruppur 641601.
3. The District Collector
Tiruppur District, Karuppa Gaundapalayam
Tiruppur, Tamil Nadu 641 604.
4. The Superintendent of Police
Tiruppur District, Palladam Road
Tiruppur 641 604.
5. The Revenue Divisional Officer
Kangeyam Taluk, Tiruppur District,
Jaivabhai School Road
Susaipuram, Rayapuram, Tiruppur 641687.
6. Ministry of Jal Shakthi
Ministry of Water Resources
Shram Shakthi Bhawan, Rafi Marg
New Delhi.
7. United Carbon Solutions Pvt Ltd
SF.No.1147/1A, Tharapuram Road
AP Puthur, Vattamalai, Kangeyam Taluk
Tiruppur District.

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 1st respondent to pass orders for the closure of the industry run by the 7th respondent.

For Petitioner : Mr.T.Chezhiyan
For RR 1 & 2 : Mr.C.Kasirajan
For RR 3 to 5 : Mr.E.Manoharan, AGP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

- (1) By consent, the writ petition is taken up for final disposal. Mr.C.Kasirajan, learned Standing counsel accepts notice on behalf of the respondents 1 and 2 and Mr.E.Manoharan, learned Additional Government Pleader accepts notice on behalf of respondents 3 to 5.
- (2) The petitioner is the owner of the lands situate in SF.No.1147 at AP Puthur, Vattamalai, Kangeyam Taluk, Tiruppur District and he came forward to file this writ petition, styled as a Public Interest Litigation, alleging that the 8th respondent is the owner of the land in SF.No.1147/1A and he leased out the land in favour of the 7th respondent who is running an Industry, in the name and style as ' ' United Garments Solutions Private Limited ' ' and they are burning the coconut shells, which is not only causing air pollution, but also polluting the ground water.
- (3) The learned counsel for the petitioner has drawn the attention of this Court to the Test report of the South Indian Textile Research Association [SITRA], Textile Testing and Service Centre and would submit that the ground water in the said area has been tested and it would disclose that the chemical components exceeding permissible limits and the petitioner has also obtained information under the Right to Information Act, which would disclose that the 7th respondent did not obtain any consent for operating the said Industry from the respondents 1 and 2 and hence, prays for appropriate orders as to the closure of the said Unit.
- (4) Mr.C.Kasirajan, learned Standing Counsel appearing for the respondents 1 and 2, on instructions, would submit that the 7th respondent Unit had obtained consent on 10.06.2019 which is valid up to 31.03.2020 and with regard to the representation submitted by the petitioner, inspection would be caused and

depending upon the result of the inspection, further action will be taken.

(5) This Court has considered the rival submissions and also perused the materials placed before it.

(6) During the course of arguments, this Court also put a specific query to the petitioner, since the lands are classified as 'Garden lands', wherein lot of coconut trees are grown, there may be a possibility of using pesticides as well as chemical fertilizers, which may, in turn, pollute the ground water.

(7) The learned counsel for the petitioner prays for some accommodation to come out with better particulars.

(8) This Court, in the light of the above facts and circumstances and also taking into consideration the rival submissions and without going into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, direct the 2nd respondent to cause inspection of the 7th respondent Unit as to the compliance of the conditions for granting consent and if any infraction is noted, the 2nd respondent shall take appropriate action in accordance with law to abate the nuisance / pollution and the said exercise is to be carried out within a period of six weeks from the date of receipt of a copy of this order and the decision taken in that regard, shall be communicated to the petitioner as well as to the respondents 7 and 8.

(9) The writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

AP

To

1. The Member Secretary
Tamil Nadu Pollution Control Board
Anna Salai, Chennai 600 032.

WEB COPY

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Tiruppur District.
- +1 CC to Govt. Pleader sr 86500
+1 CC to Mr.T.Chezhiyan, Advocate sr 86449
+1 CC to Mr.T.Kasirajan, Advocate sr 86035.

WP.No.29295/2019

PVS (CO)
SP(26/11/2019)

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