

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.03.2019

Coram:

The Honourable Mr.Justice R.SUBBIAH
and
The Honourable Mr.Justice KRISHNAN RAMASAMY

W.P.No.2828 of 2018
and
W.M.P.Nos.3485 & 3486 of 2018

Sri Mahalakshmi Aqua Products,
Rep. by its Proprietrix, Mrs.N.Parimala,
W/o. T.Natarajan, No.393/2, Panapakkam
Village and Post, Nemili Taluk, Vellore District - 631 052.
...Petitioner

Versus

- 1.The Chairman,
Tamilnadu Pollution Control Board, Guindy,
Chennai - 600 032.
 - 2.The District Environmental Engineer,
Tamilnadu Pollution Control Board,
Vellore, Vellore District.
 - 3.The Chief Engineer, PWD,
State Ground and Surface Water Data Research Centre,
Tharamani, Chennai - 113.
 - 4.The Assistant Engineer, TNEB,
Vellore Electricity Distribution Circle,
Panapakkam, Vellore District - 631 052.
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for records and quashing the impugned order of the second respondent dated 11.01.2018 vide Proceeding No.T1/TNPCB/F.033391/Operating without valid consent-1/W&A/2017, dated 11.01.2018 and consequently, to direct the second respondent to grant the consent to establish the water unit of the petitioner irrespective of the certifications by PWD and BIS (Bureau of Indian Standards) to be granted by such authorities within time frame.

For Petitioner : Mr.K.Ravi Anantha Padmanaban

For Respondents - 1 & 2 : Mr.Abdul Saleem

Respondent - 3 : Mr.J.Pothiraj,
Special Government Pleader

Respondent - 4 : Mr.M.Varunkumar

O R D E R

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

The prayer in this Writ Petition is to quash the impugned order of the second respondent dated 11.01.2018 and consequently, to direct him to grant the consent to establish the Water Unit of the petitioner irrespective of the certifications to be granted by PWD and BIS (Bureau of Indian Standards) and other such authorities within time frame.

2. When the matter came up for hearing on the earlier occasion, the learned counsel appearing for the petitioner submitted that the petitioner's Water Unit falls under the permitted category of "semi-critical" and hence, the petitioner has filed an Application before the Public Works Department (PWD) for obtaining No Objection Certificate (NOC), from Tamil Nadu Pollution Control Board (TNPCB) for getting consent to establish the water unit; and also for certification from BIS for purifying water by way of selling them in water cans. Though the PWD received the said Application, they are not inclined to grant the same.

3.1. Pending this Writ Petition, earlier, the petitioner Company filed W.M.P.No.13005 of 2018 in W.P.No.2828 of 2018, seeking for a direction to the third respondent, Chief Engineer, PWD, State Ground and Surface Water Data Research Centre, Tharamani, Chennai - 600 113 to consider and pass orders upon the grant of NOC to the water unit of the petitioner within time frame. Thereafter, by order dated 28.04.2018, this Court disposed of the said W.M.P, directing the third respondent to consider such application of the petitioner, dated 01.11.2017 and to pass orders strictly on merits and in accordance with law. Later, on 09.10.2018, this Court had clarified the above order directing the third respondent to consider such application of the petitioner dated 01.11.2017 for granting NOC to the petitioner, within a period of four weeks from the date of receipt of a copy of that order.

3.2. Even though the time specified by this Court in its order dated 09.10.2018 had lapsed, till date, no order has been passed by the third respondent. Once again, when the matter came up on 04.03.2019, this Court directed the third respondent to appear before the Court and the third respondent also appeared before this Court, but he denied the statement of the petitioner.

4. The learned counsel appearing for the petitioner has clearly stated that the petitioner has given an Application to the third respondent for granting NOC to their Water Unit. But the same was not considered by the third respondent, and therefore, final direction may be issued to the third respondent to consider and dispose of the Application of the petitioner.

5. Be that as it may, this Court is not conducting any roving enquiry in this case, as to know whether the petitioner has given the Application or not, particularly in the absence of producing any proof to show that the Application was handed over to the third respondent. But the Chief Engineer, PWD/third respondent who appeared before this Court earlier has stated that if a fresh Application is given along with the required documents by the petitioner, the same would be considered and appropriate orders would be passed.

6. In view of the same, this Court directs the petitioner to file a fresh Application along with all required documents before the third respondent within a period of twelve weeks from the date of receipt of a copy of this order. On receipt of the same, the third respondent is directed to pass appropriate orders within a period of two weeks thereafter.

7. With the above directions, this Writ Petition is closed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

mrr

To

- 1.The Chairman,
Tamilnadu Pollution Control Board, Guindy,
Chennai - 600 032.
 - 2.The District Environmental Engineer,
Tamilnadu Pollution Control Board,
Vellore, Vellore District.
 - 3.The Chief Engineer, PWD,
State Ground and Surface Water Data Research Centre,
Tharamani, Chennai - 113.
 - 4.The Assistant Engineer, TNEB,
Vellore Electricity Distribution Circle,
Panapakkam, Vellore District - 631 052.
- +1cc to Mr.K.Ravi Anantha Padmanaban, Advocate SR.No.24645
- +1cc to Government Pleader SR.No.24674

W.P.No.2828 of 2018

RK(CO)
GMY (29/04/2019)



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