

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.Nos.21186 & 19749 of 2019
and W.M.P.No.19267 of 2019

W.P.No.21186 of 2019

T.Manokaran ... Petitioner

/versus/

- 1.The District Collector,
Erode District,
Erode.
 - 2.The Assistant Director (Town Panchayat),
Erode Zone,
O/o. The District Collector,
Erode-638 011.
 - 3.The Executive Officer,
Chennimalai Selection Grade Town Panchayat,
Chennimalai-638 051,
Perundurai Taluk, Erode District.
 - 4.K.Moorthy,
Proprietor, Janani Flex Printing,
Door No.33 & 35, West Car Street,
Chennimalai-638 051,
Erode District.
- सत्यमेव जयते ... Respondents

W.P.No.19749 of 2019

Sathish ... Petitioner

/versus/

- 1.The District Collector,
Erode District,
Erode.

2.The Assistant Director (Town Panchayat),
Erode Zone,
O/o. The District Collector,
Erode-638 011.

3.The Executive Officer,
Chennimalai Selection Grade Town Panchayat,
Chennimalai-638 051,
Perundurai Taluk, Erode District.

... Respondents

PRAYER in W.P.No.21186/2019: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of Writ of Mandamus, directing the 3rd respondent to forthwith take necessary action on the representation of the petitioner dated 25.05.2019 in accordance with law.

PRAYER in W.P.No.19749/2019: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of Writ of Certiorarified Mandamus, to call for the records in relating to the impugned notice issued by the 3rd respondent in Na.Ka.No.161/2019 and quash the same and direct the 3rd respondent to grant permission based on the representation submitted by the petitioner to conduct business.

For Petitioner
in W.P.No.21186/19 : Mr.P.Saravana Sowmiyan

For Petitioner
in W.P.No.19749/19 : Mr.G.Paramsivam

For Respondents : Mr.N.Inbanathan,
AGP for R1 & R2
in both WPs. Mr.M.Jothimani, AGP for R3

No appearance
for R4 in W.P.No.21186 of 2019

COMMON ORDER

Heard the learned counsel for the petitioner and the contesting respondents.

2. The case of the petitioner is that the contesting respondents/4th respondent is running the industrial unit in the residential zone in the name and style of "Janani Flex Printing" causing pollution to the environment. The specific allegations of the petitioner is that the 4th respondent has not obtained necessary license to run the trade in the said premises. In this connection, he made a representation to the 3rd respondent/Panchayat, who after enquiry passed an order dated 24.06.2019 to close down the unit. In spite of that, the 4th respondent has not closed his unit. The 3rd respondent has not

pursued the matter. Hence, the writ petition is filed seeking Mandamus directing the 3rd respondent to take action on his representation dated 25.05.2019 without further delay.

3. Meanwhile, the 4th respondent has brought to the notice of this Court that the 4th respondent has already filed a writ petition in W.P.No.19749 of 2019 on 04.07.2019, seeking certiorarified Mandamus to quash the proceedings of the 3rd respondent dated 24.06.2019 which is the show cause notice issued to the 4th respondent to close down the unit by 11.07.2019. In the said writ petition filed on behalf of the 4th respondent it is contended that the 3rd respondent has no authority to cause notice and the provision quoted in the notice is not applicable to his business. Without conducting public enquiry, the impugned order has been issued and hence it is illegal.

4. The learned counsel for the 4th respondent in W.P.No.21186 of 2019 and the petitioner in W.P.No.19749 of 2019 would submit that he is running the business with all necessary documents and there is no pollution caused by him and hence no action can be taken on the complaint given by the petitioner in W.P.No.21189 of 2019.

5. From the typed set of papers, we find the unit run by the 4th respondent alleged to have causing pollution to the locality and pursuant to that the 3rd respondent has initiated action of closure. Meanwhile, the 4th respondent has also given a representation to streamline his business. Both the unit owner as well as the representatives of the public have approached this Court by way of filing writ petition with prayer conflicting to each other.

6. The records further indicates that the pollution control board has not granted any permission for the 4th respondent and has informed the Executive Officer, Chennimalai to proceed under the Panchayat Act 1920. Accordingly, the Executive Officer has caused notice dated 24.06.2019.

7. In the said circumstances, since the 4th respondent has given a representation, the same may be considered by the 3rd respondent in accordance with law and order shall be passed within a period of four weeks.

8. With the above observation both the writ petitions are disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpl

To

- 1.The District Collector,
Erode District,
Erode.
- 2.The Assistant Director (Town Panchayat),
Erode Zone,
O/o. The District Collector,
Erode-638 011.
- 3.The Executive Officer,
Chennimalai Selection Grade Town Panchayat,
Chennimalai-638 051,
Perundurai Taluk, Erode District.

+lcc to Mr.P.Saravana Sowmiyan, advocate Sr.83090
+lcc to the Government pleader Sr.83673
+lcc to Mr.K.G.Paramasivam, Advoate Sr.83681
+lcc to Mr.Jothikumar, Advoate Sr.83682

W.P.No.21186 & 19749 of 2019
and W.M.P.No.19267 of 2019

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srg 07/11/2019

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