

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2019

CORAM:

THE HON'BLE MR. JUSTICE M.M.SUNDRESH

and

THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

W.P.No.26860 of 2019

Prem Kumar Menon

... Petitioner

vs.

1. Tamil Nadu Pollution Control Board,
rep. by its Member Secretary,
76, Mount Road, Guindy,
Chennai 600 032.
 2. Lancor Holdings Limited,
rep. by its MD, R.V.Shekar,
VTN Square,
No.58, G.N.Chetty Road,
T.Nagar, Chennai 600 017.
- ... Respondents

(R2 impleaded as per order dated 24.09.2019
in W.M.P.No.27670 of 2019 in W.P.No.26860 of 2019)

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of Mandamus, directing the Respondent to grant renewal of "Consent to Operate" the building situated at No.165, St. Mary's Road, Alwarpet, Chennai 600 018, pursuant to the Petitioner's Online Application dated 28.10.2017.

For Petitioner : Mr.Adithya Reddy
For 1st Respondent : Mr.Abdul Saleem
For 2nd Respondent : Mr.A.Umashankar

O R D E R

(Order of the Court made by M.M.SUNDRESH, J.)

Though a larger relief has been sought for in this Writ Petition, learned counsel for the Petitioner and the learned counsel appearing for the 2nd Respondent submitted that, the Respondent/Tamil Nadu Pollution Control Board can be permitted to issue a consent order after due compliance, in the joint names of the Petitioner and the 2nd Respondent. This arrangement is obviously subject to the final order to be passed by the Apex Court.

2. The Petitioner is a landlord. The 2nd Respondent is a Developer. There appears to be a dispute between them resulting in the initiation of Arbitration proceedings. After the conclusion of the proceedings before this Court, now the matter is pending before the Apex Court. As the aforesaid dispute stands on a different footing, the Tamil Nadu Pollution Control Board cannot withhold granting of consent in that regard.

3. Now, the learned counsel for the Petitioner and the learned counsel appearing for the 2nd Respondent have agreed that a consent may be given jointly in the names of the Petitioner and the 2nd Respondent.

4. In view of the aforesaid submissions, we direct the Respondent/Tamil Nadu Pollution Control Board to consider and grant consent in favour of the Petitioner and the 2nd Respondent, jointly, in accordance with law. Before such consideration, both the Petitioner and the 2nd Respondent shall jointly file an Affidavit before the Tamil Nadu Pollution Control Board, agreeing for the aforesaid terms.

5. The Petitioner and the 2nd Respondent are also directed to re-present the Application seeking 'Consent to Operate'. As and when such Application is received in the manner as aforesaid, the Respondent/Tamil Nadu Pollution Control Board shall pass appropriate orders either to grant or reject the 'Consent to Operate', within a period of six weeks thereafter.

This Writ Petition is disposed of with the above direction. No costs.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

(aeb)

To:

The Member Secretary, Tamil Nadu Pollution Control Board,
76, Mount Road, Guindy, Chennai 600 032.
+1 CC to Mr. Abdul Saleem, Advocate sr 95196
+1 CC to Mr.C. Seethapathy, Advocate sr 94306.

W.P.No.26860 of 2019

PA(CO)
SP(05/12/2019)