



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.11.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.26648 of 2019
and
W.M.P.No.26038 of 2019

D.Dhanabal .. Petitioner

/versus/

1.The District Collector,
Erode District, Erode.

2.The Block Development Officer,
Chennaimalai, Erode.

3.The Tahsildar,
Perundurai, Erode.

4.The Assistant Executive Engineer,
O & M/West, EVN Road,
TANGEDCO, Erode-638 009.

5.The Tamil Nadu Generation and Distribution Corporation Ltd.,
TANGEDCO, Rep.by its Chairman,
144, Anna Salai,
Chennai-600 002.

6.Sri Saravana Tex,
Rep.by its Proprietor Ragu Saravanan.

7.Mr.Ragu Saravanan .. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to initiate appropriate action against the 6th respondent Sri Saravana Tex represented by its Proprietor Ragu Saravanan running Power Loom and Doubling units by illegally without obtaining any valid license and permission from the respondents 1 to 3.

For petitioner : Mr.R.Vinayaga Vishnu

For Respondents : Mr.K.Ravikumar

AGP for R1 to R3

Mr.S.K.Rameshwar,

St.c for R4 & R5

Mr.S.K.Kaithamalai Kumaran
for R6 & R7



O R D E R

This writ petition is filed alleging that the 6th respondent firm owned by the 7th respondent is running Power Loom Unit illegally without any valid license and permission from the authorities concerned. Therefore, complaint was given to the authorities to shut down the unit. In spite of the complaint made through online on 30.01.2019, the authorities concerned have not taken any action. Further alleging that the existing power loom unit causing health hazard and hindrance to the residence, the present writ petition is filed seeking Mandamus to take action against the 6th and 7th respondents.

2. Pursuant to the writ petition, the 7th respondent has filed counter stating that he is running the power loom unit after obtaining necessary permission from the authorities. But in view of this writ petition, his unit was closed without proper notice on 01.11.2019. Thereafter on submission of all the relevant certificates and on considering the representation given by him, the Commissioner, Panchayat Union, Chennimalai has permitted the petitioner to run 6 power loom units from 06.11.2019. Further in the counter the 7th respondent has stated that he is not letting out any waste water and waste cotton. His firm is located far away from residential area. Due to enmity between him and the petitioner, the present writ petition has been filed with false allegations and malafide intention.

3. As far as the 2nd respondent is concerned, in the counter it is stated that the 6th respondent unit was permitted to run the 3 power loom units as early as 10.07.1990 and since then the family members of the 7th respondent are running the unit with necessary license. However, when there was a complaint from the petitioner, surprise visit was made by the 2nd respondent and found that the unit is closed and machineries are not operating. On 01.11.2019, closure order was also issued. Thereafter, the 7th respondent has given a representation along with the necessary documents to substantiate that he is entitled to run 6 units of power loom.

4. Accordingly, on 06.11.2019 permission has been granted to run 6 units on production of running license from the 2nd respondent and NOC from the department concerned. In such circumstances, the 2nd respondent stated that the averments made by the petitioner in his affidavit is bereft of truth.

5. The learned Standing counsel appearing for the TANGEDCO would submit that based on the documents and on inspection if any deviation of the condition is found in future, they will take appropriate action.

6. In the light of the above facts, the writ petition is disposed as bereft of merits. At the same time, the respondents 1 to 5 are directed to ensure that the respondents



6 and 7 do not violate the license condition and if any such violation is noticed appropriate action to be taken in accordance with law.

7. With the above directions, this writ petition is disposed of. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

rpl

To

1.The District Collector,
Erode District,
Erode.

2.The Block Development Officer,
Chennaiamalai,
Erode.

3.The Tahsildar,
Perundurai,
Erode.

4.The Assistant Executive Engineer,
O & M/West, EVN Road,
TANGEDCO
Erode-638 009.

5.The Chairman,
Tamil Nadu Generation and Distribution Corporation Ltd.,
TANGEDCO,
144, Anna Salai,
Chennai-600 002.

+1cc to Mr.R.Vinayaga Vishnu, Advocate, S.R.No. 95706
+1cc to Mr.S.Kaithamalai Kumaran, Advocate, S.R.No. 95506
+1cc to Mr.S.K.Rameshuwar, Advocate, S.R.No. 96169
+1cc to the Government Pleader, S.R.No. 96085

W.P.No.26648 of 2019
and W.M.P.No.26038 of 2019

EV(CO)
GN(31/12/2019)