

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2019

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Writ Petition No. 32293 of 2018

Dyers Association of Tiruppur,
Registration No.30/2001,
Rep by its President,
Mr.S.Nagarajan.

...Petitioner

-vs-

1. The Chairman,
Tamil Nadu Pollution Control Board,
76, Anna Salai, Guindy,
Chennai - 600 032.
2. The District Environmental Engineer, [North]
Tamil Nadu Pollution Control Board,
Kumaran Complex, Kumaran Road,
Tiruppur, Tiruppur District - 641 601.
3. The District Environmental Engineer, [South]
Tamil Nadu Pollution Control Board,
12 A, Pollachi Bye Pass Road,
Palladam, Coimbatore District - 641 664.

...Respondents

Writ Petition, filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the first respondent herein to permit the member units of the petitioner to operate on Saturday and Sunday as they achieved ZLD so that the dyeing units could reach the consent capacity based on the representation dated 01.08.2018 followed by further representation dated 24.09.2018 given by the petitioner.

For petitioner : Mr.K.Raja

For Respondents : Mr.C.Kasirajan
Standing Counsel for TNPCCB

JUDGMENT

[Judgement of the Court was delivered by T.S.Sivagnanam, J.]

Heard Mr.K.Raja, learned senior counsel for the petitioner and Mr. C.Kasirajan, learned Standing counsel for Tamil Nadu Pollution Control Board. With consent of the learned counsels on either side, the Writ Petition is taken up for disposal.

2. This Writ Petition has been filed by an association called as Dyers Association of Tiruppur. It is stated that the said Dyers Association is registered under the Tamil Nadu Societies Registration Act, bearing Registration No.30/2001. The petitioner is stated to have 459 members on its roll, engaged in business of dyeing either for their own purpose or job work basis. The petitioner further states that 58 members out of 459 members have Independent Effluent Treatments Plants (IETP) and the rest of the members namely 401 are attached to 18 Common Effluent Treatment Plants (CETPs).

3. The prayer sought for in this writ petition is for a direction upon the first respondent to permit the member units of the petitioner association to operate on Saturday and Sunday as they achieved Zero Liquid Discharge (ZLD), so that the dyeing units could reach consent capacity based on their representation dated 01.08.2018 followed by further representation dated 24.09.2018.

4. It is the submission of the learned counsel that the communication of the respondent Board to the petitioner association dated 21.08.2018 is wholly erroneous, since W.P.No.29791 of 2003 has been finally disposed of and the respondent Board cannot prevent the individual dyeing units from operating on all days of the week by relying upon the order dated 10.06.2005. In any event, the communication dated 21.08.2018 is not impugned in this Writ Petition. Furthermore, we would point out that the prayer sought for in this writ petition by an association is not maintainable. Admittedly, each of the units are mandated by the Tamil Nadu Pollution Control Board to ensure Zero Liquid Discharge. Therefore, it is for the Board to examine each individual case as to whether they have complied with the terms and conditions of the consent order issued by the Board and other directions issued by the Division Bench from time to time.

5. We are fully aware of the fact that the pollution caused by the dyeing units in Tiruppur has resulted in far reaching consequences and certain damages done on account of indiscriminate untreated discharge of effluents are irreparable.

6. Be that as it may, we are not inclined to entertain writ petition by an association and the relief sought for in the writ petition is wide and sweeping and such a prayer is not maintainable.

7. Thus, for the above reasons, the writ petition stands dismissed. No costs. Further, this will not prevent the individual dyeing units to approach the Tamil Nadu Pollution Control Board for any relief that they may seek.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

mrm/ssb

To

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12 A, Pollachi Bye Pass Road,
Palladam, Coimbatore District - 641 664.

+1 CC to Mr.K.Raja, Advocate sr 5334.

+1 CC to Mr.C.Kasirajan, Advocate sr 6399

W.P.No.32293 of 2018

GJII(CO)
SP(12/02/2019)