



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) No.6913 of 2019

and

W.M.P. (MD) No.5512 of 2019

Govindaraj

... Petitioner

-vs-

- 1.The Government of Tamilnadu
By its Secretary
Department of Environment & Forest
Chennai
- 2.The District Collector
Thanjavur
- 3.The Joint Chief Environment Officer
Tamil Nadu Pollution Control Board
Trichy
- 4.The District Environment Engineer
Tamil Nadu Pollution Control Board
Thanjavur
- 5.S.S.A.Ready Mix Concrete
Karambathur
Irumbuthalai Post
Pabanasam Taluk
Thanjavur District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 4 to take appropriate action against the 5th respondent for illegally running the plant and causing air and water pollution to the surrounding Nanja lands.

For Petitioner: Mr.Muthukrishnan

For Respondents: Mr.A.K.Baskarapandian

Special Government Pleader for R1 to R4

Mr.P.Athimoolapandian for R5



O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

This writ petition has been filed as a public interest litigation alleging that the fifth respondent is running a Concrete Ready Mix Plant, without any approval, in the agricultural lands and causing air and water pollution to the surrounding areas.

2. The fifth respondent has filed a counter affidavit contending that the petitioner is not a genuine public interest litigant and there is a dispute between the petitioner's son and the fifth respondent and in this regard, a criminal case is also pending. Further, it is seen that the fifth respondent has obtained necessary permission from the Pollution Control Board in the year 2017 and there are communications between the fifth respondent and the District Collector, Sub Collector and Tahsildar and the Executive Engineer and the fifth respondent, which clearly show that the allegations made by the petitioner against the fifth respondent are far from truth. Furthermore, it is not the case of the petitioner how the fifth respondent is violating the approval conditions.

3. In the light of the above, we are not inclined to issue any direction as prayed for by the petitioner. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

krk

To:

1.The Secretary to Govt. of Tamil Nadu,
Department of Environment & Forest,
Chennai - 600 009.

2.The District Collector,
Thanjavur.

3.The Joint Chief Environment Officer,
Tamil Nadu Pollution Control Board,
Trichy.



4.The District Environment Engineer,
Tamil Nadu Pollution Control Board,
Thanjavur.

+1CC TO MR.P.ATHIMOOLAPANDIAN, Advocate Sr. No.101655
+1CC TO MR.S.MUTHU KRISHNAN, Advocate Sr. No.101995
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.102437

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ns (CO)
TR(04.12.2019) 3P 8C