



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P. (MD) No.22310 of 2019

WEB COPY

M/s.Abilash Cement Block
rep. by its Sole Proprietor
F.Stephen

... Petitioner

vs.

1.The District Collector,
Kanyakumari District @ Nagercoil,
Kanyakumari District-629 001.

2.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Nagercoil,
Kanyakumari District-629 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to grant petitioner with the necessary consent under the Air (Prevention and control of Pollution) Act as amended in 1987 and The Water (Prevention and Control of Pollution) act as amended in 1988 to run M/s.Abliash Cement Block at 18/104F, Valavuvilai, Kootamavu, Mulagumoodu Post, Kanyakumari District situated at re-survey No.747/19 of Valvachaghostam village within a specified time frame fixed by this Honourable court on the basis of the petitioner's application for consent dated 10.7.2019.

For Petitioner : Mrs.Victoria Gowri

For Respondents : Mr.J.Gunaseelan Muthaiah

Addl. Govt. Pleader for R-1

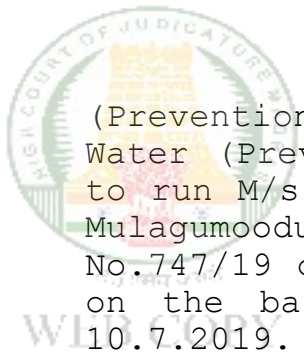
Mr.V.Vasantha Kumar for R-2

O R D E R

Mr.J.Gunaseelan Muthaiah, learned Additional Government Pleader, takes notice on behalf of the first respondent and Mr.V.Vasantha Kumar, learned Counsel takes notice on behalf of the second respondent.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.This writ petition has been filed to direct the 2nd respondent to grant the petitioner necessary consent under the Air



(Prevention and control of Pollution) Act as amended in 1987 and the Water (Prevention and Control of Pollution) Act as amended in 1988 to run M/s.Abliash Cement Block at 18/104F, Valavuvilai, Kootamavu, Mulagumoodu Post, Kanyakumari District situated at re-survey No.747/19 of Valvachaghostam village within a specified time frame, on the basis of the petitioner's application for consent dated 10.7.2019.

4.The petitioner has started an Industry for manufacturing cement blocks. There was a complaint from the residents of that area about air, noise and water pollution. Therefore, the Executive Engineer of Mulagumoodu Town Panchayat directed the petitioner to obtain No Objection Certificate from the Tamil Nadu Pollution Control Board. For that, the petitioner submitted an application on 10.07.2019 to the second respondent. Even though the application is pending from 10.07.2019, the second respondent has not processed the same. Aggrieved over the non-disposal of the application, the petitioner is before this Court.

5.Without going into the merits of the case, the second respondent is directed to consider the application of the petitioner dated 10.07.2019 on its own merits and take a decision either to accept it or to reject the same, within a period of eight weeks from the date of receipt of a copy of this order.

6.Accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

Sub Assistant Registrar(CS)

vs

To:

1.The District Collector, Kanyakumari District @ Nagercoil,
Kanyakumari District-629 001.

2.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Nagercoil, Kanyakumari District-629 001.

+1CC TO MR.V.VASANTHKUMAR, Advocate Sr. No.93789
+1CC TO MR.L.VICTORIA GOWRI, Advocate Sr. No.93710
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.94043

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SE (CO)

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