



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DURAISWAMY

AND

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.P (MD) No.26214 of 2019

and

W.M.P (MD) No.22647 of 2019

S.Mathusuthanan

... Petitioner

Vs.

1. The District Collector,
Virudhunagar District, Virudhunagar.

2. The Commissioner,
Sattur Municipality,
Sattur, Virudhunagar District.

3. The District Environmental Engineer,
Tamilnadu Pollution Control Board,
Virudhunagar District.

4. The Tahsildar,
Sattur Taluk,
Sattur, Virudhunagar District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to restrain the respondents from locating Micro Composite Processing Unit (MCPU) in the park land in T.S.Nos.181/1 and 181/2(Part) with an extent of 10,595 Square Meters in Ward No.3, Co-operative Sanga Kattida Colony, Sattur Town New Colony and Original Kinnatru Theru in Sattur Town, Virudhunagar District, bounded on East by Vasu Manoharan house plot, South by 20 feet road, East to West Road, West by the houses of Ramasamy and Rajendran and North by the houses of Samusudheen, Mahendran and others.

For Petitioner : Mr.F.Deepak

For Respondents : Mr.R.Murugan,

Additional Government Pleader for R.1 & R.4

Mr.M.Kannan

Standing Counsel for R.2

Mr.V.Vasanthakumar for R.3

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ORDER

[Order of the Court was made by **M.DURAISWAMY, J.**]

The petitioner has filed the above writ petition as Public Interest Litigation to issue a writ of Mandamus restraining the respondents from locating Micro Composite Processing Unit (MCPU) in the park land in T.S.Nos.181/1 and 181/2(Part) with an extent of 10,595 Square Meters in Ward No.3, Co-operative Sanga Kattida Colony, Sattur Town New Colony and Original Kinnatru Theru in Sattur Town, Virudhunagar District.

2. When the writ petition is taken up for hearing, Mr.M.Kannan, learned Standing Counsel taking notice for the second respondent, submitted that in respect of the very same T.S.Nos.181/1 and 181/2 (Part) in Ward No.3, one Anthony Raj, Secretary, Malligai Kudiruppu Nala Sangam, filed a Public Interest Litigation in W.P(MD)No.19334 of 2019 for the very same relief sought for in the present writ petition and the Honourable Division Bench of this Court, by order dated 06.09.2019, disposed of the said writ petition, observing that *"A compound wall should be erected in all four sides of Micro Compost Processing Unit with minimum height of six feet and the operation carried on in the Micro Compost Processing Unit should adhere to the relevant Rules and in the event, if there is any violation in following the rules or any nuisance or air pollution is caused, we give liberty to the petitioner/residents Association to take up the matter once again before the appropriate authority and the appropriate Forum."*

3. The learned Counsel for the second respondent submitted that the second respondent, in compliance of the above said order passed by the Honourable Division Bench of this Court, is constructing a compound wall and also adhering to the other conditions imposed by the Honourable Division Bench of this Court.

4. In view of the earlier order passed by the Honourable Division Bench of this Court in W.P(MD)No.19334 of 2019, dated 06.09.2019, no further direction need be issued in this writ petition and accordingly, the same is disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)



To

1. The District Collector,
Virudhunagar District,
Virudhunagar.

2. The Tahsildar,
Sattur Taluk,
Sattur, Virudhunagar District.

+1 CC to M/s.SPECIAL GOVERNMENT PLEADER (SR-104516[F] dated
11/12/2019)

+1 CC to M/s.S.MAHALAKSHMI, Advocate (SR-104709[F] dated
12/12/2019)

+1 CC to M/s.V.VASANTHKUMAR, Advocate (SR-104711[F] dated
12/12/2019)

W.P(MD)No.26214 of 2019

and

W.M.P(MD)No.22647 of 2019

10.12.2019

rsb

AE/ (02.01.2020) 3P 6C