

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2020

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.No.2968 of 2020

Muhamad Anish

... Petitioner

Vs.

- 1.The Member Secretary
Nilgiris District, Nilgiris.
- 2.Joint Chief Environmental Engineer
Tamil Nadu Pollution Control Board
Chennai.
- 3.The District Environmental Engineer
Tamilnadu Pollution Control Board
Udhagamandalam.
- 4.The Commissioner
Nelliya Municipality
Gudalur Taluk,
The Nilgiris District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the third respondent to take action based upon the proceedings in Lr.No.F.025/DEE/TNPCB/NLG/2019 dated 17.12.2019.

For Petitioner : Mr.S.Kingston Jerold

For Respondents: Mr.J.Pothiraj, Special Govt.Pleader

ORDER

(Order of the Court was made by DR.VINEET KOTHARI, J.)

The petitioner Muhamad Anish S/o Pokar, a resident of Devala Village, Nilgiris District has filed this Public Interest Litigation seeking direction to the Tamil Nadu Pollution Control Board to take action against one Mr.Sibi P.B., M/s.P.Rayin Civil and Conveyance Contractor, Devala, who is manufacturing Bitumen Mixed Blue Metal Jelly Aggregate.

2. According to the petitioner, licence given to him was only for manufacturing 22 M.T., per day, whereas he has exceeded his production limitation. Upon the complaint dated 14.12.2019 by the petitioner, the District Environmental Engineer of the Tamil Nadu Pollution Control Board has already issued a show cause notice to the said industry to furnish its explanation. Simultaneously, the petitioner has approached this Court by filing this Public Interest Litigation.

2. Having heard the learned counsel for both sides, we are satisfied that since the concerned authorities have initiated action against the said industry, who is not even impleaded as party respondent in this writ petition, we are not inclined to initiate any further enquiry in the matter. We however expect the respondents to proceed further in accordance with law, after giving an opportunity of hearing to the concerned industry.

3. With the above observations, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

KST

To

- 1.The Member Secretary
Nilgiris District, Nilgiris.
- 2.Joint Chief Environmental Engineer
Tamil Nadu Pollution Control Board
Chennai.
- 3.The District Environmental Engineer
Tamilnadu Pollution Control Board
Udhagamandalam.
- 4.The Commissioner
Nelliya Municipality
Gudalur Taluk, The Nilgiris District

+1cc to Mr.S.Kingston Jerold, Advocate, S.R.No. 10675

+1cc to the Government Pleader, S.R.No. 11398

W.P.No.2968 of 2020

KK(CO)

GN(09/03/2020)