

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 2.1.2020

CORAM

THE HONOURABLE DR.JUSTICE VINEET KOTHARI
AND
THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.10608 of 2019

P.Thandapani

Petitioner

Versus

1. The State of Tamil Nadu,
rep. by the Chief Secretary,
Secretariat, Fort St. George,
Chennai 600 009.
R1 (Deleted vide order dt. 9.4.2019)
2. The Chairman,
Tamil Nadu Pollution Control Board,
76, Anna Salai,
Guindy, Chennai 600 032.
3. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Maraimalai Adigalar Street,
Maraimalai Nagar.
4. The Commissioner,
Tambaram Municipality, Tambaram.
5. Tamil Selvam,
Proprietor,
Selvam R.R.Briyani Unavagam,
Vanchinathan Street,
East Tambaram, Chennai 600 059.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 1 to 4 respondents to do their duty of sending their officers to inspect the site where the 5th respondent is running its kitchen and polluting the entire residential area and initiate appropriate action against the 5th respondent.

For Petitioner : No appearance.

ORDER

(Order of the court was made by Dr.VINEET KOTHARI, J.)

None is present for the Petitioner. On the last occasion also, none was present for the Petitioner. Therefore, the matter was listed today under the category 'for dismissal'.

2. From the perusal of the averments in the Writ Petition, it seems that there is a private dispute between the Petitioner P.Thandpani and Respondent No.5, Tamil Selvam, Proprietor of Salem R.R.Briyani Unavagam with regard to the alleged pollution and nuisance caused by Respondent No.5. Therefore, we consider it as not a proper PIL to be entertained under Article 226 of the Constitution of India as there are other private legal remedies available to the Petitioner for such private disputes between the parties.

3. Therefore, the present PIL Writ Petition is dismissed with liberty to the Petitioner to take his suitable private legal remedies before the Civil Courts below. No costs. Copy of the order may be sent to both the parties.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1.P.Thandapani,
S/o.Palanichamy,
No.9 A, Vallalar Street,
Anandapuram, East Tambaram, Chennai-59

2. The Chairman,
Tamil Nadu Pollution Control Board,
76, Anna Salai,
Guindy, Chennai 600 032.

3. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Maraimalai Adigalar Street,
Maraimalai Nagar.

4. The Commissioner,
Tambaram Municipality, Tambaram.

5. Tamil Selvam,
Proprietor,
Selvam R.R.Briyani Unavagam,
Vanchinathan Street,
East Tambaram, Chennai 600 059.

+lcc to Mr.P.Srinivas, Advocate sr.230

W.P.No.10608 of 2019

mp(co)
nr 03/02/2020



WEB COPY