

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2020

CORAM :

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.10152 of 2020
and
WMP.Nos.12345 & 12351 of 2020

L.Sivaraman

...Petitioner

Vs.

- 1.The District Collector,
District Collector's Office,
Udhagamandalam,
The Nilgiris-643 001.
- 2.The Tamil Nadu Pollution Control Board,
Rep., by its Chairman,
No.76, Mount Salai,
Guindy, Chennai-600 032.
- 3.The Commissioner,
Udhagamandalam Municipality,
Hospital Road, Upper Bazaar,
Udhagamandalam,
The Nilgiris-643 001.
- 4.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Additional Collectorate Building,
Block-II, Finger Post,
The Nilgiris-643 005.
- 5.The Tahsildar,
Taluk Office,
Udhagamandalam,
The Nilgiris-643 001.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the impugned proceeding in Na.Ka.No.Ko523/Ma.Su.Po/2020-5 dated 09.06.2020 issued by the 1st respondent and quash the same.

For Petitioner : Ms.S.Varsha

For Respondents : Mr.R.Udhayakumar,
AGP for RR1, 3 and 5

O R D E R

By the impugned order, the petitioner's unit was closed for not having a treatment plant.

2. The learned counsel appearing for the petitioner submitted that it is not possible to have a treatment plant at this point of time. The respondents are insisting to have a specified contractor for the completion of the work. The petitioner undertakes to complete the work within the reasonable time and till such time, he should be allowed to continue the business.

3. The learned Additional Government Pleader appearing for respondents 1, 3 and 5 submitted that the petitioner is at liberty to have his own contractor. However, till the work is completed to the satisfaction of the respondents, the petitioner cannot be allowed to run the unit, causing pollution.

4. On a query raised by this court, the learned Additional Government Pleader fairly submitted that for the purpose of completion of the water treatment plant, the premises will be de-sealed and unlocked on condition that the petitioner shall not use it for running the unit otherwise.

5. Considering the submissions made, we permit the petitioner to complete the effluent treatment plant by engaging a contractor of his own in accordance with law and after getting the permission for the 4th respondent, if so required. After satisfying the proper running of the treatment plant, the petitioner is at liberty to inform the respondents and if they find that there is a due compliance, then the petitioner will have to be allowed to run the unit. The respondents shall also de-seal and unlock the premises in question only for the purpose of constructing and completing the treatment plant and thus, it is made clear that the petitioner shall not run the unit till the respondents express their satisfaction. If the petitioner violates any of the conditions, it is open to the respondents to take appropriate action in accordance with law.

6. This writ petition stands disposed of accordingly. No costs. Consequently, connected WMPs are closed.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

raa/kmk

To

- 1.The District Collector,
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Udhagamandalam,
The Nilgiris-643 001.
- 2.The Chairman,
Tamil Nadu Pollution Control Board,
No.76, Mount Salai,
Guindy, Chennai-600 032.
- 3.The Commissioner,
Udhagamandalam Municipality,
Hospital Road, Upper Bazaar,
Udhagamandalam,
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- 4.The District Environmental Engineer,
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- 5.The Tahsildar, Taluk Office, Udhagamandalam,
The Nilgiris-643 001.

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AJS (CO)
GMY (21/09/2020)