

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.01.2020

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THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No.1289 of 2018 and
WMP.No.1620 of 2018

M/s.Aspinwall & Company Ltd.,
Represented by its
General Manager,
Mr.Mohan Kurian,
Ramapattinam, Narasingapuram Village,
Pollachi Taluk,
Coimbatore District. ... Petitioner

..Vs..

1. The Sub-Divisional Magistrate
& Sub Collector,
Pollachi,
Coimbatore District,
Tamilnadu.
2. The District Environmental Engineer,
Tamilnadu Pollution Control Board,
Coimbatore South.
(Suo-moto impleaded vide Court
order dated 22.01.2018) ... Respondents

PRAYER : Writ Petition filed Under Article 226 of the
Constitution of India praying to issue a Writ of Certiorari, to
call for the records on the file of the respondent and to quash
the impugned order in Na.Ka.No.78/2018/A1, dated 10.01.2018 and
consequently allow the petitioner to carry out the normal
manufacturing activities in the factory.

For Petitioner : Mr.M.Vijayan for
M/s.King and Patridge

For Respondents : Mr.N.Inbanathan, (for R1)
Additional Government Pleader
Mr.C.Kasirajan (for R2)
for Pollution Control Board

O R D E R

The petitioner is a company /factory which produces the PVC Tufted Coir mats. They are in business from 2009. The products are exported to various countries in Europe and to the USA. There are about 200 employees. The petitioner has been providing direct employment to the aforesaid employees and to several others indirectly. It is stated that the coir mats are produced for Stencil painting of various designs which are made from water based bio-degradable paints at the factory.

2. It is claimed by the petitioner that since the paints are bio degradable and water based, the question of pollution will never arise. However, it is stated that there were issues relating to the production and a permission had to be obtained. In that regard, this writ petition came to be filed seeking certiorari to quash the impugned order made in Na.Ka.No.78/2018/A1, dated 10.01.2018 passed by the Sub-Divisional Magistrate & Sub Collector, Pollachi, Coimbatore district.

3. The 2nd respondent has not been made a party in the writ petition initially. Pending the hearing of the writ petition, my learned predecessor Judge thought it fit to implead the Pollution Control Board namely the District Environmental Engineer, Tamilnadu Pollution Control Board, Coimbatore as a necessary party respondent in this writ petition. Therefore, the said respondent was impleaded suo-moto by order of this Court dated 21.02.2018. The learned counsel also took notice on behalf of the said impleaded party.

4. Thereafter, the matter had been adjourned on various occasions. By the impugned order, the respondent namely the Sub-Divisional Magistrate & Sub Collector, Pollachi, Coimbatore District had directed, taking into consideration the interests of the general public and agriculturists that a certificate has to be produced from the Pollution Control Board as a pre-condition for the continuity of the manufacturing activities of the petitioner company. A representation dated 31.10.2019 has been referred in the order dated 05.11.2019 by my learned predecessor Judge. The order dated 05.11.2019 is extracted below for better appreciation:

"The petitioner was required to stop operations by the impugned order till consent was obtained from the second respondent, viz., Tamil Nadu Pollution Control Board.

2. Learned Standing Counsel appearing for the second respondent has produced an order No.F0229CBS/OM/DEE/TNPCB/CBS/W/2019 dated 31.10.2019 passed by the second respondent granting consent to operate the unit of the petitioner till 31.03.2021 under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974.

3. In view of the same, the petitioner shall submit the said order to the first respondent as required in the impugned order by 11.11.2019. The First respondent shall file a report of the action taken on the receipt of the said consent order, on the next hearing.

Post the matter on 26.11.2019."

5. Thereafter, the 1st respondent had filed a status report, dated 10.12.2019. In the status report, it had been stated as follows:

"5. It is respectfully submitted that in obedience to the order of the Hon'ble High Court, Chennai, the petitioner has submitted a letter (along with a consent order issued by the Tamil Nadu Pollution Control Board) before the 1st respondent on 26.11.2019 only. After that, the petitioner's company was inspected by me in person on 10.12.2019. During the inspection, it is identified that the petitioner company have installed a zero discharge efficient treatment plant for avoiding the emission of waste water from the factory and also installed a paint booth for filtering the paint particles emission through air. Also, it is observed that the said Effluent Treatment Plant and Paint Booth has started its functioning from 04.11.2019 onwards and no sewage water or solid waste has been expelled in outside of the premises.

6. In view of these facts, and since the Pollution Control Board/the 2nd respondent had granted a consent to operate the unit of the petitioner under Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 and also which specifically stated that the petitioner company has also installed Zero discharge of effluent treatment and had been functioning from 04.11.2019, no further orders are required in this writ petition.

7. Recording the above, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Sub-Divisional Magistrate
& Sub Collector,
Pollachi,
Coimbatore District,
Tamilnadu.

2. The District Environmental Engineer,
Tamilnadu Pollution Control Board,
Coimbatore South.

+1 cc to M/s.King & Patridge Advocate sr565
+1 cc to the Government pleader sr450

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