

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 6.11.2020

CORAM

THE HONOURABLE DR.JUSTICE VINEET KOTHARI

AND

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.15551 of 2020

Navamani Mines Private Limited
rep by its Managing Director P.Mani
Door No.5/898, Azhagu Nagar,
Trichy Road, Namakkal 637 001.

Petitioner

Versus

1. The Tamil Nadu Pollution Control
Board,
rep. by its Member Secretary,
No.76, Anna Salai, Guindy,
Chennai 600 032.
2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Karur.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to consider and pass orders on the application dated 11.3.2020 made by the petitioner for grant of consent to operate the unit both under Air Act and Water Act respectively based on consent to establish order dated 21.8.2019 granted by respondent board and pass orders in accordance with law within a period of four weeks.

For Petitioner : Mr.V.Suthakar

For Respondents : Mr.Ajithkumar for Mr.C.Kasirajan

ORDER

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

The present Petition has been filed by the Petitioner Navamani Mines Private Limited, Namakkal seeking a mandamus direction to the Respondent, Tamil Nadu Pollution Control Board to consider its Application seeking consent to operate its Unit

under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981 which is said to have been filed on 11.3.2020 with the deposit of Rs.1,79,000/- made by the Petitioner.

2. The case of the learned counsel for the petitioner before us is that citing the interim order of a Division Bench of this Court in W.M.P.No.26175 and 29648 of 2019 in W.P.No.26786 of 2019, the Respondent-Board is not deciding the said Application, in which a condition of 1 KM distance in B.P.Ms. No.4 dated 2.7.2004 by the Respondent Board is under Challenge.

3. The said Writ Petition appears to be still pending and it is only an interim order of a co-ordinate Bench of this court which is placed on record.

4. The learned counsel for the Petitioner also drew our attention to the order passed by the Appellate Authority of Tamil Nadu Pollution Control Board in an Appeal filed by M/s.Sri Rathinagiriswarar Blue Metals v. Tamil Nadu Pollution Control Board in which the present Petitioner M/s.Navamani Mines Private Limited also figures as Respondent No.3, by which the said Appellate Authority has also left it free to pursue the remedy through representations for seeking consent of the Board itself. The learned counsel, therefore, submitted that it is statutory duty of the Respondent-Board to consider the said Application and pass appropriate orders on the same.

5. On a specific question by the court whether any subsequent representation pursuing the said Application has been filed by the Petitioner before the Tamil Nadu Pollution Control Board or not, though it was submitted that such representation is being made, no representation is placed on record of the court.

6. Having heard the learned counsel for the Petitioner, we are of the opinion that the present Writ Petition is premature and does not deserve to be entertained by us at this stage. Since March 2020, on account of pandemic, working of the various Institutions might have suffered. It is for the Petitioner to pursue his Application with the Respondent-Department. Issuance of any mandamus direction in this regard is wholly uncalled for. The use of process of this court for that purpose in a casual manner is not justifiable.

7. The process of deciding this Application for giving "Consent to Operate" the industrial unit of the present petitioner must be done in accordance with the Rules and Guidelines and of course subject to the pendency of the Petitions before this court as already noted above. At this stage to give any mandamus direction to the Respondent-Board to either consider the Application within a time frame or to give consent to operate the Unit would not be proper in our opinion.

8. Therefore, we are of the clear opinion that the present Writ Petition is premature and the same deserves to be dismissed. We leave it free to the Petitioner to pursue his Application in accordance with law with the Respondent Tamil Nadu Pollution Control Board. With this observation, the Writ Petition is disposed. No costs.

-s/d-
Assistant Registrar

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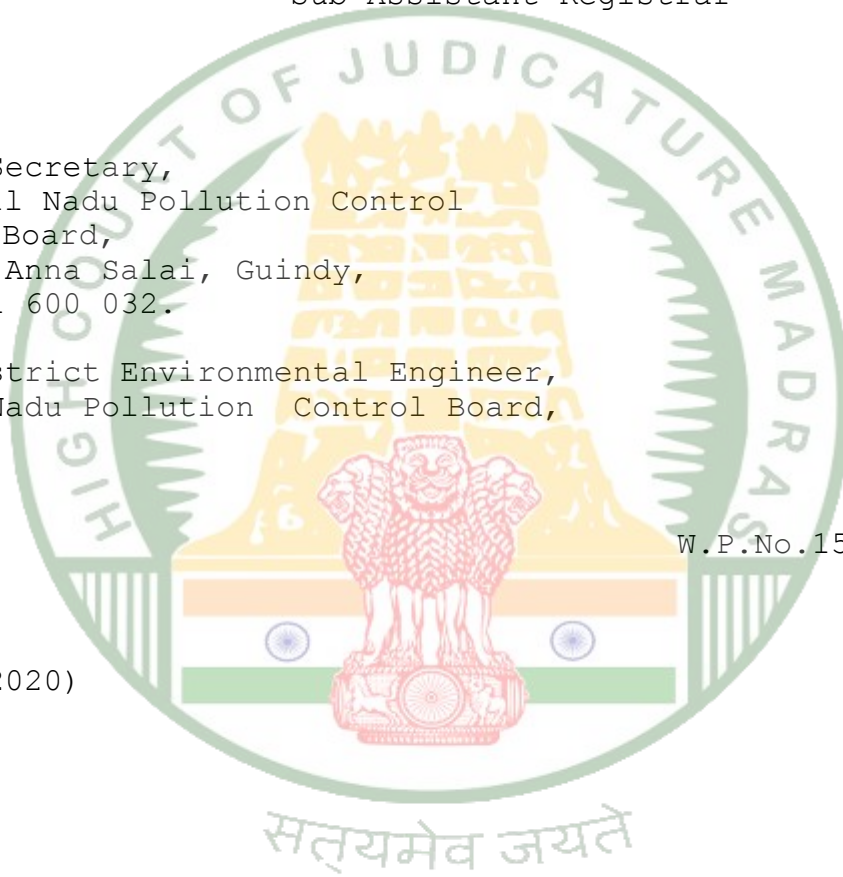
Sub-Assistant Registrar

ssk.
To:

1. Member Secretary,
The Tamil Nadu Pollution Control
Board,
No.76, Anna Salai, Guindy,
Chennai 600 032.
2. The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Karur.

W.P.No.15551 of 2020

KJ(CO)
SP(10/12/2020)



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