

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2020

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI

AND

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.15519 of 2020

P.B.Sibi

... Appellant

vs

1 State of Tamil Nadu ... Respondents
rep by its Chief Secretary, Secretariat,
Fort St George, Chennai-09

2 The Tamil Nadu Pollution Control Board
rep by its Member Secretary
No.100, Annasalai, Guindy, Chennai

3 The Joint Chief Environmental Engineer
Tamil Nadu Pollution Control Board
P.No.E55A SICO Industrial Estate
Pollachi Main Rd Kurchi Coimbatore

4 The District Collector, Coimbatore

5 The District Environmental Engineer
Tamil Nadu Pollution Control Board
27 Veterinary Hospital Rd
Udhagamandalam, Nilgiris Dt

6 The District Forest Officer
Office of the District Forest Officer
Gudalur Nilgiris Dt

7 The Revenue Divisional Officer
Gudalur Nilgiris Dt

8 The Thasildar
Gudalur Taluk Gudalur Nilgiris Dt

9 The Commissioner
Nelliyalam Municipality Pandalur
Nilgiris District

10 M/s.P.Rayin Civil and Conveyance Contractor
R.S.No.112/1E 1A1 Devala
Poker Colony Devala Po Nilgiris Dt

Writ Petition filed for issuance of a Writ of Mandamus,
directing the Respondents 1 to 9 to take necessary legal
action to close down Bitumen and Tar Producing industry
situated at R.S.No.112/ 1E 1A1 Devala Poker Colony Devala

PO The Nilgiris run by the 10th respondent violating conditions imposed by the 5th respondent by its order dated 20.08.2010

For Petitioner : Mr.R.Prasadh
For respondents : Mr.Mohammed Shafiq, Spl.G.P.

ORDER

(Delivered by DR.VINEET KOTHARI, J.)

The present Public Interest Litigation has been filed seeking the closure of the 10th Respondent Company viz., M/s.P.Rayin Civil & Conveyance Contractor (PRCC), Poker Colony, Nilgiris District, as it is submitted in the PIL Petition that the said company is producing bitumen in excess of the quantity control of 22 tones per day and on that basis, after survey, a show cause notice was issued by the Environmental Engineer, fifth respondent, on 09.12.2019 and simultaneously proceedings were also initiated in the office of the Sub Divisional Magistrate & Revenue District Officer, Gudalur, Nilgiri District, which has passed an order in the matter on 20.01.2020, a copy of which is placed on record. By the said order dated 20.01.2020, the Sub Divisional Magistrate, Gudalur, in proceedings under Section 133 (b) of the Code of Criminal Procedure, has directed the District Environmental Department to restrict the production of Bitumen and Tar products, from the 10th Respondent Company, within the permitted quantity of 22 tonnes per day until further orders are received from the Tamil Nadu Pollution Control Board. The Environmental Engineer was also directed to monitor the implementation of the order and to report any violation, to the said authority.

2. The learned counsel for the petitioner Mr.R.Prasadh informed the court that few days back only, parties concerned have closed the said unit as it was found to be manufacturing in excess quantity. Since the relief prayed for in the present PIL petition stand granted for the time being by the action of the respondent Government authorities, we do not consider it appropriate to entertain the PIL Petition at this stage and accordingly, we dispose of the same with liberty to the Petitioner to approach the court if the occasion so arises and it is considered appropriate and necessary to invoke the jurisdiction of this Court, after the petitioner has raised their grievance before the concerned Government Authorities and have not succeeded in getting the necessary legal relief at their hands.

3. With these observations, the Writ Petition is disposed of. There is no order as to costs. Consequently, connected miscellaneous petition in WMP No.19372 of 2020 is also closed.

-Sd/-

Assistant Registrar (CS)

// True Copy //

Sub Assistant Registrar

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To

- 1 The Chief Secretary, Secretariat,
Fort St George, Chennai-09
- 2 The Member Secretary,
The Tamil Nadu Pollution Control Board
No.100, Annasalai, Guindy, Chennai
- 3 The Joint Chief Environmental Engineer
Tamil Nadu Pollution Control Board
P.No.E55A SICO Industrial Estate
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- 9 The Commissioner
Nelliyalam Municipality Pandalur
Nilgiris District

WP.No.15519 of 2020

RR (CO)

UMY (17.12.2020)