

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 09-03-2020

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.No.30176 OF 2019

1.P.Rathinasamy
2.R.Selvakumar

..... Petitioners

-vs-

- 1.The District Collector,
Thiruppur,
Thiruppur District.
- 2.The Tahsildar,
Kangayam Taluk,
Tiruppur District.
- 3.The Block Development Officer,
Kangayam Panchayat Union,
Kangayam,
Tiruppur District.
- 4.Keeranur Village Panchayat,
rep.by its Special Officer,
Keeranur-638 701,
Kangayam Taluk,
Tiruppur District.
- 5.The Junior Engineer, सतयमेव जयते
Tamilnadu Electricity Board,
Tiruppur Electricity Distribution Circle,
Naal Road Division,
Kangayam,
Tiruppur District.
- 6.K.Menaka
- 7.S.Revathi
- 8.Tamil Nadu Pollution Control Board,
rep.by its Chairman,
76, Anna Salai, Guindy,
Chennai-600 032.

WEB COPY

9.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Tiruppur,
Tiruppur District. ... Respondents
(R8 & R9 impleaded as per order dt.27.11.19
in Wmp.No.32095/19 in WP.No.30176/19)

Petition under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 to 4 to forbear the respondents 6 and 7 from establishing a coir pith block manufacturing industry at S.F.No.543/B2, Keeranur Village, Kangayam Taluk, Tiruppur District, by considering the petitioner's representation, dated 22.07.2019.

For Petitioners : Mr.N.Manokaran

For Respondents 1 to 4 : Mr.G.K.Muthukumar,
Special Government Pleader.

For Respondents 6 & 7 : Mr.C.Prakasam

For Respondent 8 : Mr.C.Kasirajan

ORDER
(By M.M.Sundresh,J.)

This Writ Petition has been filed by the petitioners, inter alia, alleging that the proposed Coir Pith Block manufacturing Unit at S.F.No.543/B2, Keeranur Village, Kangayam Taluk, Tiruppur District, to be set up by respondents 6 and 7, by which, they are expected to remove husk from coconut, would cause serious environmental degradation with water and air pollution.

2. Mr.N.Manokaran, learned counsel for the petitioners, submitted that though the proposed Unit comes under 'White Category' and thus no consent from Tamil Nadu Pollution Control Board is required, it uses water and chemical on a large scale.

3. Mr.C.Kasirajan, learned counsel for Tamil Nadu Pollution control Board, submitted that the proposed Unit comes under 'White Category', which has been fixed as per the direction of the Central Government and, therefore, no permission from the Board is required.

4. Mr.G.K.Muthukumar, learned Special Government Pleader, appearing for respondents 1 to 4, submitted that there is no possibility of pollution being caused through the said Unit.

5. Mr.C.Prakasam, learned counsel for respondents 6 and 7, submitted that the Unit is yet to be started; it is situated at a far away place from the residential area; no public interest is involved in the matter; the petitioners are having business interest since respondents 6 and 7 refused to buy their products; the respondents are neither using water nor chemical and, therefore, this Writ Petition is liable to be dismissed, particularly, when requisite permission has already been obtained from appropriate authorities.

6. We have heard the learned counsel for the parties and also gone through the records.

7. Admittedly, the proposed Unit comes under 'White Category' and, therefore, no consent from Tamil Nadu Pollution Control Board is required. Once the Unit comes under 'White Category', we can safely presume that it is not expected to cause pollution. However, when pollution is caused by an industry coming under 'White Category' by changing the process, by which water and chemical are involved and the same are let out causing environmental degradation, certainly, Tamil Nadu Pollution Control Board and other official respondents will have to take appropriate action against the same.

8. In the case on hand, the Unit is yet to start and there is no material to hold that the said Unit is going to cause pollution. This Court cannot pass an order on mere apprehension and surmise.

9. In such view of the matter, we dismiss this Writ Petition, giving liberty to the petitioners that in case pollution is caused by the Unit of respondents 6 and 7, it is well open for the petitioners to approach respondents 1 to 4, apart from Tamil Nadu Pollution Control Board, in which case, due action shall be taken by the said authorities. No costs. Consequently, the connected W.M.P.Nos.30131 and 30134 of 2019 are closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Thiruppur,
Thiruppur District.

2.The Tahsildar,
Kangayam Taluk,
Tiruppur District.

3.The Block Development Officer,
Kangayam Panchayat Union,
Kangayam,
Tiruppur District.

4.Keeranur Village Panchayat,
rep.by its Special Officer,
Keeranur-638 701,
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5.The Junior Engineer,
Tamilnadu Electricity Board,
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Naal Road Division,
Kangayam,
Tiruppur District.

6.Tamil Nadu Pollution Control Board,
rep.by its Chairman,
76, Anna Salai, Guindy,
Chennai-600 032.

7.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Tiruppur,
Tiruppur District.

+1 cc to Mr.C.Prakasam, Advocate,sr.21107

+1 cc to Mr.C.Kasirajan, Advocate,sr.20915

+1 cc to Mr.N.Manokaran, Advocate, SR.20934

+1 cc to Government Pleader,sr.21200

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