



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2020

CORAM

**THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM**

**W.P. (MD)No.7460 of 2020
and
W.M.P. (MD)No.6919 of 2020**

K.M.Mohamed Ali Jinna

... Petitioner

Vs.

1.The District Collector,
Karur District,
Karur.

2.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Karur District, Karur.

3.S.Chouthri

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India,praying to issue a Writ of Mandamus forbearing the respondents 1 and 2 from granting licence to the third respondent to operate a crusher in the land in S.No.189/2B of Devarmalai Village Group, Kadavur Taluk, Karur District.

For Petitioner : Mr.V.Kannan

For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader
for R.1 and R.2

ORDER

(Order of the Court was made by **M. SATHYANARAYANAN, J.**)

The writ petitioner claims to be a public interest litigant and in the affidavit filed in support of the writ petition would aver, among other things, that he owns agricultural lands admeasuring to an extent of 2.59 Hectares in Survey Nos.187/3, 191/3 at Devarmalai Village Group, Karur District.



2. The grievance expressed by the petitioner is that the third respondent, who is a resident of Salem, had purchased neighbouring agricultural lands situated in Survey No.189/2B, Devarmalai Village Group, Kadavur Taluk, Karur District for the purpose of producing industrial and home use crush materials.

3. The learned Counsel appearing for the petitioner has drawn the attention of this Court to the photographs annexed to the typed set of documents. The entire areas are agricultural lands and if the stone crush unit is allowed to operate, the agricultural operations would come to grinding halt and that apart, it would definitely cause air and noise pollution which cause inconvenience to the residents of the locality also and therefore, prays for an order of forbearance, forbearing the respondents 1 and 2 for granting any licence in favour of the third respondent establishing the stone crusher unit. It is also pointed out that the petitioner has also submitted a detailed representation in the form of legal notice, dated 22.06.2020 to the respondents and he has also received the acknowledgment on 25.06.2020.

4. Mr.V.R.Shanmuganathan, learned Special Government Pleader accepts notice on behalf of the respondents 1 and 2 and on instructions, would submit that as on today, no proposal is pending for establishment of crusher unit and he would further add that assuming for the sake of arguments that the third respondent had submitted an application, it will be processed strictly in accordance with law including the No Objection Certificate from the Tamil Nadu Pollution Control Board/second respondent and as such, the apprehension expressed by the petitioner is unfounded and the writ petition is premature.

5. This Court has considered the rival submissions and also perused the materials available on record.

6. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the case as projected by the petitioner either in his representation or in this writ petition, directs the first respondent to consider the objection raised by the petitioner in the form of legal notice, dated 22.06.2020, in the event of considering the application already filed or to be filed by the third respondent for establishment of stone crusher unit in Survey No.189/2B, Devarmalai Village Group, Kadavur Taluk, Karur District and pass appropriate orders on merits and in accordance with law and also by adhering to the principles of natural justice as expeditiously as possible and communicate the decision taken to the petitioner as well as to the third respondent.



7. The Writ Petition stands disposed of accordingly. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

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// True Copy //

Sd/-

Assistant Registrar (AS)

/ /2020

Sub Assistant Registrar(CS)

SSL/RSB

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector,
Karur District,
Karur.
- 2.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Karur District, Karur.

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