



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2020

CORAM

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD) .No.11700 of 2020

and

W.M.P (MD) No.10174 of 2020

K.Palanisamy

... Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Executive Engineer,
Tamil Nadu Pollution Control Board,
Madurai, Madurai District.

3.M/s.BS Engineering Construction Private Ltd.,
Thargakudi,
Ayyappatti Post,
Madurai - 625 103.

... Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the first respondent to take action against the third respondent based on the second respondent letter dated 20.09.2019 and 28.11.2019.

For Petitioner	: Mr.N.Madhava Govindan
For R-1	: Mr.M.Muthugeethaiyan, Special Government Pleader
For R-2	: Mr.Kasirajan

O R D E R

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

This writ petition styled as a 'Public Interest Litigation', is filed by a resident of Thargakudi, Ayyappatti Post, Madurai and according to him, the third respondent, who is running a Construction Company, without consent / permission or licence, has started Thar / Pigment Mixing Unit and it is creating noise as well as air pollution.



2. The learned counsel appearing for the petitioner has drawn the attention of this Court to the communication of the second respondent dated 28.11.2019 in **ந.கமீத.எண் .கோ.புகார் - 2107/மாசூ.வா/தமாகவா/மதுரை/2019**, addressed to the petitioner and would submit that the contents of the said communication would disclose that the Unit of the third respondent was inspected on 20.09.2019 and the result of the inspection would disclose that the third respondent is not taking any measures to control the air pollution and also operating the Unit without any consent and hence, show-cause notice was sent on 20.09.2019 and positive recommendation has also been made to seal the said Unit and therefore, prays for appropriate orders.

3. The standing counsel appearing for the second respondent would submit that the third respondent has got consent and regular inspection has also been caused and he would further add that the representation submitted by the petitioner in this regard would be given disposal, in accordance with law.

4. This Court after considering the facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, directs the second respondent to address the grievance of the petitioner in the form of sending reply, within a period of four weeks from the date of receipt of a copy of this order and as and when receives the said reply from the second respondent, the petitioner is at liberty to work out his remedy in accordance with law before the competent forum.

5. It is also made clear that the second respondent shall cause regular and surprise inspection with regard to the running of the Unit by the third respondent and if any infraction is noted, shall take immediate, necessary and appropriate action, in accordance with law.

6. This writ petition stands disposed of accordingly. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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,
Madurai District,
Madurai.

2.The Executive Engineer,
Tamil Nadu Pollution Control Board,
Madurai,
Madurai District.

+1 CC to M/s.N. MADHAVA GOVINDAN, Advocate (SR-17649[F] dated 22/09/2020)

+1 CC to M/s.C. KASIRAJAN, Advocate (SR-17675[F] dated 22/09/2020)

+1 CC to M/s.GP (SR-17749[F] dated 22/09/2020)

Order in
W.P (MD)No.11700 of 2020
21.09.2020

AVS (CO)
TR(30.09.2020) 3P 6C