



WEB COPY

W.P (MD) No.16528 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD) No.16528 of 2020

and

W.M.P (MD) No.13820 of 2020

Pious Joseph Naveen

... Petitioner

Vs.

1.The Collector,
Theni District,
Theni.

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

3.The Block Development Officer,
Uthamapalayam Taluk,
Uthamapalayam, Theni District.

4.K.Prabhakaran

5.S.Pitehai

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus, directing respondents 1 to 3 to forthwith take action as per the orders of the 2nd respondent dated 10.01.2020 and to forthwith stop the operation of the grinding and pressing mill operated by name Rajeswari Flour and Oil Mills at Door No.93, Gnanapragasiyar Street, Royappanpatti Village, Theni District.

For Petitioner : Mr.N.Mohideen Basha

For Respondent : Mr.M.Muthugeethaiyan
No.1 Special Government Pleader

For Respondent : Mr.R.Devaraj
No.2



ORDER

[Order of the Court was made by **N.KIRUBAKARAN, J.**]

This writ petition has been filed seeking a writ of mandamus, directing the official respondents to take action against 5th respondent as per the letter, dated 10.01.2020 addressed by the Tamil Nadu Pollution Control Board, Theni, to the 3rd respondent.

2.The case of the petitioner is that he is constructing a house at No.93/A, Gnanapragasiyar Street, Royappanpatti Village, Theni District. The 5th respondent has been running a Flour and Oil Mill and it is creating nuisance to the petitioner and therefore, he has given a representation to the 1st respondent on 26.09.2020. However, no action has been taken on his representation. Hence, the petitioner is before this Court.

3.Heard Mr.N.Mohideen Basha, learned Counsel appearing for the petitioner, Mr.M.Muthugeethaiyan, learned Special Government Pleader, appearing for the 1st respondent and Mr.R.Devaraj, learned Counsel appearing for the 2nd respondent.

4.From the arguments made on either side, it seems that the 5th respondent has been running a Flour and Oil mill from the year 1978 in Gnanapragasiyar Street, Royappanpatti Village, Theni District and the petitioner, knowing well that the 5th respondent is running the Flour and Oil Mill from the year 1978, is making a construction nearby the same. Hence, the petitioner cannot have any grievance against the 5th respondent, who is having the mill nearly for half a century.

5.This writ petition is nothing but an abuse of process of law. Hence, the writ petition is dismissed with costs of Rs.5,000/- [Rupees Five Thousand Only], which shall be paid by the petitioner to Sri Kambathukarar Charitable Trust [Account No.1147172000003823, IFSC Code: KVBL0001147, Karur Vysya Bank, Kumarapalayam], Karur, within a period of one week from the date of receipt of this order. Consequently, connected miscellaneous petition is also dismissed.

6.Post this matter after two weeks for reporting compliance.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

dsk



To

- 1.The Collector,
Theni District,
Theni.
- 2.The District Environmental Engineer,
Tamil Nadu Pollution Control Board,
Theni District, Theni.
- 3.The Block Development Officer,
Uthamapalayam Taluk,
Uthamapalayam, Theni District.

Copy to

1. The Officer Incharge,
Sri Kambathukarar Charitable Trust,
Karur.
2. The Section Officer,
Writ Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.KASIRAJAN, Advocate (SR-23801[F] dated 03/12/2020)

W.P (MD) No.16528 of 2020
02.12.2020

MR (CO)
TR (09.12.2020) 3P 7C