

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.01.2021

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

WP.No.1330 of 2021
and W.M.P.No.1488 of 2021

M.Arunkumar ... Petitioner

Versus

- 1.The Tamil Nadu Generation and Distribution Company Limited (TANGEDCO)]
Anna Salai, Chennai,
rep.by its Chairman cum Managing Director.
- 2.The Assistant Executive Engineer,
The Tamil Nadu Generation and Distribution
Company Limited (TANGEDCO)
Ayanambakkam, Chennai.
- 3.The Chairman,
The Tamil Nadu Pollution Control Board,
No.76, Mount Salai,
Guindy, Chennai 600 032. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to restore electricity connection bearing Nos.09-436-009-1018&1019, 09-436-009-881 at his unit 'Vijayas Metal Buildings' at 485, Thiruverkadukoladi Road, Ayanmbakkam, Chennai 600 095 and consequently forbear the respondents from disconnecting service connection at 'Vijayas Metal Buildings', 485-Thiruverkadukoladi Road, Ayanmbakkam, Chennai 600 095 till his application is disposed off by the Tamil nadu Pollution Control Board.

For Petitioner : Mr.S.M.Muralidharan

For RR1 & 2 : Mr.P.R.Dhilipkumar
Standing Counsel

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J. through video conferencing]

The petitioner has been issued with a License under Section 249 of the Tamil Nadu District Municipalities Act, 1920, by the Thiruverkadu Municipality for carrying on trade of engineering works bearing License No.015/CP/20-21/0001151, dated 03.11.2020. The Office of the District Environmental Engineer of the Tamil Nadu Pollution Control Board, Perumbakkam Village, Thiruvallur, vide proceedings dated 24.09.2020, acting upon the complaint sent by one Mr.Arun, through E-mail, as to the running of an industrial unit in an agricultural land, stated that on the inspection dated 11.09.2020, it was found that the said Unit was carrying out cutting, welding and spray painting of angles meant for structural support, without obtaining consent of the Board and in the light of the violation of Section 25 of the Water (Prevention and Control of Pollution) Act, 1974 read with Section 44, the petitioner was directed to respond to the show cause notice, as to why penal action should not be taken for not applying for consent and discharging of sewage / trade effluent without valid consent of the Board under Section 44 of the Act and / or to issue direction under Section 33A of the Act, for closure of the unit and the same official has passed yet another proceedings, vide communication dated 24.09.2020, alleging violation of the provisions of the Air (Prevention and Control of Pollution) Act, 1981.

2. The petitioner has submitted a response dated 15.10.2019 to the said official, who had issued the show cause notice, stating among other things that in the area in which, the petitioner Unit is in operation, he is having very many industries and more than 100 families are depending upon industries and eking out their livelihood and also informing that they are ready to apply for air and necessary certificates under the above said Acts. Accordingly, the petitioner has also submitted an online application for consent under Section 21 of the Air (Prevention and Control of Pollution) Act, 1981, read with Rule 7 of the Tamil Nadu Air (Prevention and Control of Pollution) Rules, 1983.

3. The learned counsel appearing for the petitioner would submit that all of a sudden, the jurisdictional District Environmental Engineer of the Tamil Nadu Pollution Control Board has disconnected the electricity/power supply granted to the

premises on 31.12.2020, without any prior intimation / notice and since the petitioner as well as the workers are depending upon the income earned out of running the said Unit, prays for restoration of the electricity supply.

4. This Court heard the submission of Mr.P.R.Dhilipkumar, learned standing counsel appearing for the respondents 1 and 2 and the learned Standing Counsel appearing for the 3rd respondent and they would submit that admittedly, the petitioner is running the Unit without any consent from the Tamil Nadu Pollution Control Board and in the light of the fact that action has been taken strictly in accordance with law, the petitioner cannot make any complaint and the alleged violation pertains to operation of spray paint section / unit and that apart, a perusal of the materials would prima facie disclose that after the show cause notice issued by the jurisdictional District Environmental Engineer of the 3rd respondent, the petitioner has submitted the online application dated 22.10.2020 and it is under process and it prima facie appears that the petitioner was carrying on operation without obtaining necessary consent.

5. Be that as it may, this Court, taking into consideration the above facts and circumstances as well as the arguments advanced by the learned counsel appearing for the petitioner and without going into the merits of the claim projected by the petitioner in his representation dated 31.12.2020, directs the Assistant Engineer (Operation and Maintenance), TANGEDCO, Ayanmbakkam, Chennai 600 095, to consider and dispose of the petitioner's representation dated 31.12.2020, on merits and in accordance with law and pass orders within a period of two weeks from the date of receipt of a copy of this order / uploading of the order in the website and communicate the decision taken, to the petitioner.

6. The Writ Petition stands disposed of accordingly. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

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Sub Assistant Registrar

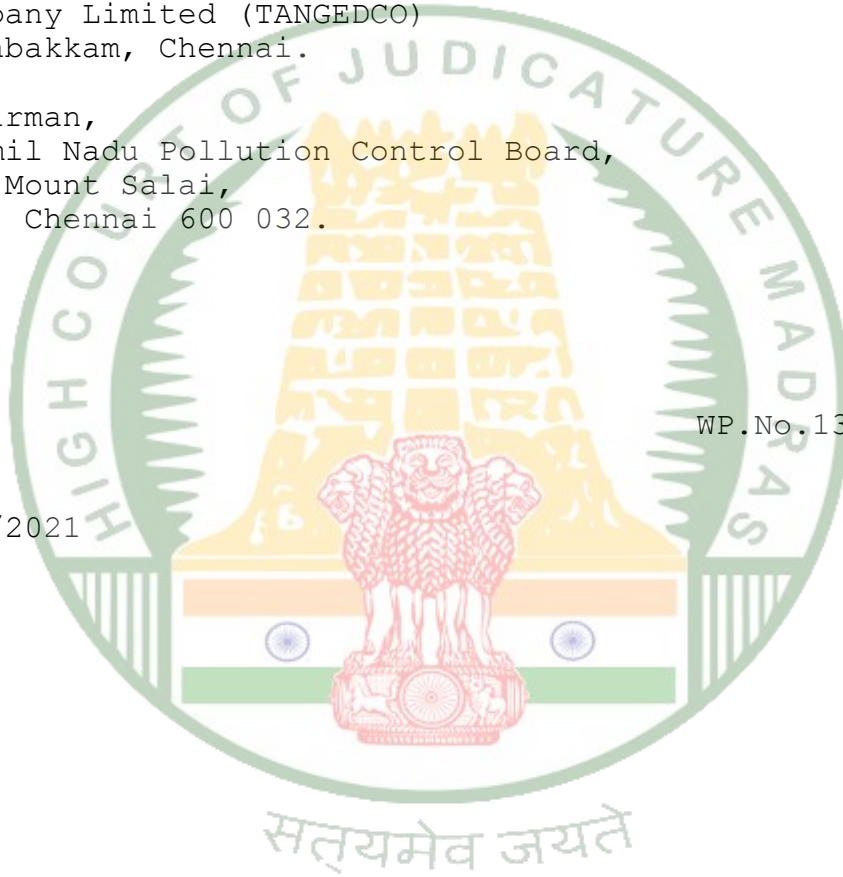
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To

1. The Chairman cum Managing Director.
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