

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2021

CORAM

THE HON'BLE Mr. JUSTICE P.D. AUDIKESAVALU

Contempt Petition No. 113 of 2021

K.Nandhagopal,
S/o.Karumba Reddy,
5/148,Autolack Nagar,
New Gummidipoondi,
Gummidipoondi Taluki,
Tiruvallur District.

... Petitioner

-VS-

K.Dharman,
S/o. Krishnan,
Proprietor,
S.K. Engineering Industries,
Autolack Nagar,
New Gummidipoondi,
Gummidipoondi Taluki,
Tiruvallur District.

... Respondent

Prayer:- Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, praying to punish the Respondent herein for his wilful disobedience and non-compliance of the order of this Court made in W.P. No. 31304 of 2019 dated 13.12.2019 under the provisions of the Contempt of Courts Act.

For Petitioner : Mr. C.Prakasam

For Respondent : Mr. N.R.Anantharamakrishnan

Ms. D.Kalaivani
for Mr. C.Kasirajan, Standing Counsel
for Tamil Nadu Pollution Control Board

ORDER
(through video conference)

Heard Mr. C.Prakasam, Learned Counsel for the Petitioner, Mr. N.R.Anantharamakrishnan, Learned Counsel for the Respondents and Ms. D.Kalaivani representing Mr. C.Kasirajan, Learned Standing Counsel for Tamil Nadu Pollution Control Board and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition in W.P. No. 31304 of 2019 had been disposed by order dated 13.12.2019, which reads as follows:-

“The Writ Petition has been filed for a direction to the First to Fourth Respondents to take appropriate action against the Fifth Respondent industry situated at Autolack Nagar, New Gummidipoondi, Gummidipoondi Taluk, Tiruvallur District.

2. *Learned Counsel appearing for the Fifth Respondent states that the Tamil Nadu Pollution Control Board by proceedings No. T1/TNPCB/O&G/F-023403/OS/GMP/2019 dated 21.10.2019 in exercise of powers conferred under Section 5 of the Environment (Protection) Act, 1986, as amended, in connection with the same grievance sought to be ventilated by the Petitioner against the Fifth Respondent, has issued following directions to the Fifth Respondent for due compliance:-*

- (i) the unit shall shift all its activities to the new location within a period of 6 months;*
- (ii) the unit shall ensure that its activity does not attract any complaints from the nearby public; and*
- (iii) the unit shall provide necessary noise pollution control measures in order to control noise pollution, if any. It is further informed by the Learned Counsel for the Fifth Respondent that the aforesaid conditions would be fully complied by 30.04.2020.*

3. *Learned Counsel for the Petitioner submits that the Petitioner would be satisfied if the rights of the Petitioner to seek redressal*

against the non-compliance by the Fifth Respondent of the aforesaid conditions within that time limit, is not fettered.

4. Recording the aforesaid submissions made by the Learned Counsel for the Petitioner and the Fifth Respondent, the Writ Petition is disposed on the aforesaid terms. Consequently, connected Miscellaneous Petition is closed. No costs.”

3. The present Contempt Petition has been filed stating that the Respondent has not carried out the undertaking within the time limit stipulated in the aforesaid order passed by this Court.

4. It is now brought to notice in this Contempt Petition by the Learned Counsel for the Respondent that the Respondent has complied with the directions issued by the Tamil Nadu Pollution Control Board by proceedings No. T1/TNPCB/O&G/F-023403/OS/GMP/2019 dated 21.10.2019 in June 2020 and an affidavit has been filed by the Respondent stating that the factory premises of the Respondent has been shifted from Autolack Nagar, New Gummidipoondi, Gummidipoondi Taluk, Tiruvallur District to No. F-53, SIPCOT Industrial Estate and in proof of the same, a copy of the payment card for electricity supply in the new premises and tax

invoice issued by the State Industries Promotion Corporation of Tamil Nadu Limited. It is explained that the delay had occasioned on account of the COVID pandemic. Ms. D.Kalaivani, representing Mr. C.Kasirajan, Learned Counsel appearing for Tamil Nadu Pollution Control Board also confirms the same. In view of the same, nothing remains for further consideration in this Contempt Petition.

5. Accordingly, the Contempt Petition is closed. No costs.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

vjt

//Certified to be true copy//

Dated at Madras this the _____ day of _____ 2021.

COURT OFFICER(O.S.)

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